United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, JULY 17, 2012 No. 107

Senate

The Senate met at 10 a.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, You have already blessed us this day. We pause now to acknowledge that we borrow our heartbeats from You and that because of You we live and breathe and move and have our being.

Continue to nourish and sustain this Nation during these difficult and dangerous days. Thank You for the brave men and women in our Armed Forces and the members of their families who daily sacrifice to keep freedom's flame burning.

Lord, surround our lawmakers this day with Your spirit of reconciliation that they may put aside that which brings division and embrace that which engenders unity. May Your blessing and benediction enable our Senators to work together in harmony and peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 446, S. 3369.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. For the information of all Senators, the time until 12:30 p.m. today will be divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority the second 30 minutes.

We will recess from 12:30 p.m. until 2:15 p.m. today to allow for our weekly caucus meetings.

Additionally, the time from 2:15 p.m. until 3 p.m. will be equally divided and controlled. At 3 p.m. there will be a cloture vote on the motion to proceed to the DISCLOSE Act, which was debated last night and will be debated again this morning.

THE DISCLOSE ACT

Mr. President, the corrosive effect of money on American politics isn't a product of the 21st century. More than 100 years ago, moneyed special interests had already tested the integrity of this country's political system.

In 1899, copper billionaire William Clark was elected to the U.S. Senate by the Montana State legislature. The contest was considered so blatantly swayed by bribery the Senate refused to seat him. Here is how Clark famously responded:

I never bought a man who wasn't for sale.

We in Nevada have some connection with that name because Las Vegas is in Clark County. Clark County was formed in the early part of the 20th century. The largest county in America was Lincoln County and that was divided between Lincoln and Clark Counties, and this character, William Clark, is who that county was named after.

But after Clark made this remark, and people realized he had blatantly swayed the State legislature by bribery, the U.S. Senate refused to seat him. He became a Senator anyway—not for long, but he became a Senator. As I have learned from people who know a lot about Montana history, Clark was very clever. The Governor of the State of Montana went to San Francisco, to the acting governor—the lieutenant governor—after he was denied his seat, and he reappointed him to the Senate. So he got to the U.S. Senate by virtue of the shenanigans that took place. Incensed Montana voters went on to pass the Corrupt Practices Act via a referendum. They voted for it. Less than a decade later, Republican President Theodore Roosevelt reined in unlimited corporate giving to political candidates at the Federal level as well—not only in Montana but at the Federal level.

This Nation has a long history of curtailing the corrupt influence of money in politics. But with the Citizens

United decision, the Supreme Court of our country erased a century of effort to protect the fairness and integrity of American elections. That disastrous decision opened the door for corporations, anonymous billionaires, and foreign interests to spend hundreds of millions of dollars influencing voters.

For anyone who dismisses this change as politics as usual, they should think again. During this year's election, outside spending by GOP shell groups is expected to top $1 billion—that is billion with a ''B.'' The names of these new front groups contain words that are warm and fuzzy, such as ''freedom'' and ''prosperity.'' But make no mistake, there is nothing free about an election purchased by a handful of billionaires for their own self-interest.

Just one of those outside groups—just one of them—backed by wealthy oil interests, has promised to spend $400 million on negative ads filled with half truths and distortions of President Obama's record. By comparison, during the 2008 election—less than 4 years ago—Senator JOHN MCCAIN's Presidential campaign spent $370 million total. That was a huge amount of money in that day, but it is being dwarfed by these outside groups this year. So this year one group's special interest money will dwarf the entire budget of the Republican nominee JOHN MCCAIN in the last Presidential election.

Democrats and the majority of Americans believe these unlimited corporate special interest contributions should be outlawed. But in the post-Citizens United world, the least we should do is require groups spending millions on political attack ads to disclose the donors. We owe it to the voters to let them judge for themselves the attacks and the motivation behind them. But they can only do that if they know who is doing it. The DISCLOSE Act would require political organizations of all stripes, liberal and conservatives alike, to disclose donations in excess of $10,000 if they will be used for campaign purposes.

Safeguarding fair and transparent elections used to be an arena where Democrats and Republicans could find common ground. As far back as 1997, the Republican leader, our friend Senator MCCONNELL, said, ''Disclosure is the best disinfectant.'' In fact, 14 Republicans now serving in the Senate voted to support stronger disclosure laws in the year 2000. Yet last night, those same 14 Republicans did an about-face, and every one of my Republican colleagues voted to block the DISCLOSE Act.

It is obvious the Republican priority is to protect a handful of anonymous billionaires—billionaires willing to contribute hundreds of millions of dollars to change the outcome of elections. But today, again, they will have an opportunity to consider that backwards priority. We are doing that with the motion to reconsider which I announced last night. They will have the opportunity to stand for the average voter instead of these billionaires.

I hope they join Democrats as we work to ensure all Americans—not just the wealthy few—have an equal voice in the political process.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TAX INCREASES

Mr. MCCONNELL. Mr. President, last week, in response to another disappointing month of job growth, President Obama issued a truly bizarre ultimatum—a truly bizarre ultimatum: Let me raise taxes on a million businesses or I will raise taxes on everybody. Let me raise taxes on a million businesses or I will raise taxes on everybody.

Yesterday, Democratic leaders in Congress took this strange new economic theory—whereby politicians purport to help job creation by hurting job creators—to dizzying new heights. Yesterday, Senate Democratic leaders said they would actually prefer—prefer—to see America go off the so-called fiscal cliff this coming January—along with the trauma that would unleash on our economy—than let businesses maintain their existing tax rates. That was the position of Democratic leaders yesterday: They would rather see America go off the fiscal cliff in January than let a million businesses maintain their current tax rates.

It is an astonishing admission—an astonishing admission. Democrats in Congress are now saying they would rather see taxes go up on every American at the end of the year than let about a million businesses keep what they earn now. They would rather let taxes go up on everybody in the country rather than allow a million businesses to keep the money they earn now.

This isn't an economic agenda—it is not an economic agenda—it is an ideological crusade. This morning, Ernst & Young is releasing a study which shows that President Obama's plan to raise taxes on these businesses will result in 710,000 fewer jobs. What a great idea: Let's raise taxes on a million of our most successful small businesses and eliminate 700,000 jobs in the middle of the most tepid recovery in anybody's memory. What a terrific idea. For those who manage to keep their jobs, real aftertax wages would fall by an estimated 1.8 percent, meaning living standards would decline as government sucks more capital out of the economy.

The President's proposal, in other words, is a recipe for economic stagnation and decline—a recipe for economic stagnation and decline. But the Murray proposal—the idea we should raise taxes on everybody—is even worse. Not only would it trigger another recession, it would put the global economy at risk. Here is the Democratic theory: that a massive income tax increase on 140 million American taxpayers wouldn't be so bad because the effects wouldn't be felt right away. It wouldn't be so bad because the effects wouldn't be felt right away.

This bizarre conclusion can only be reached by politicians and budget analysts who have never worked a day in the private sector, who don't understand what goes into cutting a paycheck for employees, and who don't have a concept of the planning—the planning—that is necessary to operate a business on thin margins in a tough economy.

This shows how out of touch these people are, to rely on the analysis of Ivy Tower liberals instead of listening to the jobs groups that have been pleading with us to fix this problem sooner rather than later and end the uncertainty that is acting like a big wet blanket over our entire economy.

Today another nonpartisan group, the Business Roundtable, urged Congress to adopt the Republican plan to extend current tax law for a year and make a bridge to tax reform. In a letter to Congress, the group's chairman, Boeing CEO Jim McNerney, warned:

> Without effective action soon, this uncertainty will spawn a dangerous crisis, threatening our economy, businesses and workers.

What Republicans have been saying is that we should eliminate this uncertainty right now. We should eliminate the uncertainty that Boeing employees—nearly 85,000 of whom work in Washington State—and so many others are facing right now. We should tackle these problems now rather than waiting until the end of the year.

Let me just boil it down. Faced with the slowest economic recovery in modern times, chronic joblessness, and the lowest percentage of able-bodied Americans actually participating in the workforce in literally decades, Democrats' one-point plan to revive the economy is this: You earn, we take. You earn, we take is apparently the only thing they have.

Surely we can do better. I know we can, and so do the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the time until 12:30 will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Alabama.

THE ECONOMY

Mr. SESSIONS. Mr. President, I would like to thank Senator MCCONNELL for his remarks and the fundamental truth of those remarks that this administration and the majority in this Senate want to raise taxes. They think that raising taxes and spending more through the government will somehow lift the economy. We have been shown that is not so.

Our Democratic colleagues stayed here last night talking about an issue that doesn't have the support to pass, and they should have been talking about the fundamental threat to our economy: not having a budget. Why aren't we moving forward with a budget? Why aren't we moving forward with the appropriations bills that are necessary to fund the government come October 1? The majority leader, Senator REID, has announced he has no intention to pass a single one, not even to bring them up.

So we will end up, in late September, passing a continuing resolution to fund the government—there is no telling what else will be tied up in that—which will create instability and uncertainty because this Democratic-led Senate has refused to pass a budget, refused to lay out a plan for the future, and refused to move the appropriations bills.

I have been here 15 years. This is the first time I have ever seen us not move a single appropriations bill. When I first came here, we would move almost every 1 of the appropriations bills before September 30. It is hard work. We have to bring up the bill, decide how much we want for the Department of Defense, or the Department of Agriculture, or the Department of Education, and members offer amendments and debate and do their work. That is what we are supposed to be doing, but we are not.

Today I want to talk about and call attention to another serious—scandalous, really—development in the way the Democratic leadership in this Senate is systemically dismantling the statutorily required budget process. It is a tale of how we are going broke.

Let me begin with a review of the situation. Last summer, Congress and the President faced a serious crisis as a result of the fact that surging government spending had driven our debt to the highest level allowed—the debt ceiling. We were hitting the debt ceiling. Do you remember that? A deal was struck then to raise the debt ceiling.

That is what the President wanted. He didn't want to cut spending 40 percent. We were borrowing—and we still borrow—almost 40 cents of every dollar we spend. All government programs would have had to have been cut 40 percent if we didn't raise the debt ceiling. Amazing as that sounds, this is undisputable.

Republicans prevailed in their insistence that spending should be reduced over 10 years by an amount equal to the increase in the debt ceiling last August. The legislation this deal produced, the Budget Control Act, set certain spending limits in the absence of a budget resolution that we should have passed in the Senate as required by law. So these spending limits came into effect when the chairman of the Budget Committee, Senator CONRAD, filed the allocation numbers into the CONGRESSIONAL RECORD, telling every Senate committee how much it was allowed to spend. That is the power given to the Budget Committee chairman. I am the ranking Republican on the Budget Committee, and Senator CONRAD chairs the Budget Committee.

So the Budget Control Act plainly dictates that beginning on October 1 of this year, spending limits would be derived from the Congressional Budget Office's baseline. This is crucial because the CBO baseline contains the $2.1 trillion in spending cuts over 10 years—really, reductions in spending growth, and not so much cuts—that the deal was supposed to implement in exchange for the immediate $2.1 trillion raising of the debt ceiling.

Herein lies the scandal. Although it was buried in the spending allocation that Senator CONRAD sent out, my staff on the Senate Budget Committee discovered that Senator CONRAD did not file an outlay limit based on the CBO baseline. Instead, the outlay total he filed was $14 billion higher—curiously matching exactly the spending levels that President Obama had requested in the budget he submitted to Congress in February.

Although this discovery was not readily apparent, Chairman CONRAD, to his credit—he is an honorable man—does not dispute it. He simply asserts that it is within his discretion to unilaterally set a higher total.

Again, because the CBO baseline reflects the spending reductions passed by Congress and signed into law, an increase above the baseline—as the allocation that he submitted allows—is an abrogation of the bipartisan agreement we reached last August.

We told the American people: OK, we raised the debt ceiling. A lot of people didn't want to do it. A lot of Americans were hot about it. We said: But we are going to cut spending by that amount over 10 years.

As reported by the publication, CQ:

> Conrad did not counter Sessions' claim that the elevated outlay limit would allow higher spending in fiscal year 2013.

But let me emphasize, this is not just the fault of Senator CONRAD. This large violation of the Budget Control Act is without doubt the decision of Senator REID, the Democratic leader, his leadership team, and the members of the Democratic caucus who support him.

Remember, outlays are the spending figures which directly register on the debt. Mr. President, $14 billion in higher outlays in 2013 means $14 billion added to the debt. It is just that simple. In fact, the higher debt that will accrue next year as a result of the higher spending level means the amount of interest we pay on the debt we accrue will be greater and will also exceed CBO baseline limits.

As a result, the chairman had to also boost spending authority for the Finance Committee by $79 million to compensate for the higher interest payments on the $14 billion added to the debt. This shows that the debt deal legislation has been violated not only in spirit but in letter. Why? Because if we increase discretionary outlays, we increase the debt, and therefore increase the interest needed to service the debt.

It is crystal clear that the legislation provides no flexibility whatsoever to inflate spending authority for this interest payment. It is a direct violation of the Budget Control Act, but he had to do that to justify and account for the $14 billion increase over the level that was agreed to last August.

I sent two letters to Chairman CONRAD urging him to correct and re-file the proper numbers, but it is evident that the chairman does not intend to do so. So we will be looking for an alternative course. This is a matter that ought to be considered by the full Senate, so I plan to pursue a vote on the inflated spending levels. Each Senator will therefore have to examine their own conscience and consider their duty to their constituents, to the Nation, and to the financial future of our country.

Plainly, this action violates the spirit and the terms of the 10-year Budget Control Act agreement that was made last August, just 11 months ago. At that time, Congress declared that we would exercise some spending restraint. And $2.1 trillion in reduced spending is really a reduction in the growth of spending and not an elimination of all growth in spending. We would go from something like $37 trillion being spent over 10 years to $35 trillion. It is not going to break America. But to hear the wails that come about, you would think it would.

So the test will be, in this first year since the passage of the debt deal will we adhere to its modest restrictions or will we blink?

We have Members of Congress—and I have raised this issue over the years—who seem to take it as a personal challenge to see how they can spend more money than they are allocated. It happens every year. This is how a country goes broke. The consequences of the annual manipulations and gimmicks have great impact over time. These are not small matters. Think about it.

This is a chart I put together. This year we are adding $14 billion more to the baseline spending in our country than agreed to, and this gimmick adds $14 billion to the baseline next year. One may think: It is only $14 billion, JEFF. Calm down.

Alabama's general fund budget, not including education, is less than $2 billion. To us $14 billion is a lot of money, and we are an average-sized State. This is how we need to think about these manipulations because it is very significant as time goes by.

If we violate the baseline next year, in 2013, by $14 billion, that goes into the spending level for the next year. Then if next year we violate it again, it is not just $14 billion, we are adding $14 billion on top of the $14 billion gimmick in the spending level this year. It is $28 billion next year. Added to the $14 billion we ripped off the taxpayers the previous year, it is $42 billion.

Do you see how that goes up? Each year is adding to it, and we have been doing this kind of thing consistently.

If we gimmick the budget $14 billion a year—and I remember doing a chart similar to this about 10 years ago, and we gimmicked the budget $18 billion that year and there are probably other gimmicks we are not including—this $14 billion gimmick puts us on a track to add $770 billion to the debt of the United States over 10 years.

We have to adhere to the agreements we make. If we do not stand with those agreements, then we make a mockery of law, we make a mockery of the Senate, we undermine the respect and trust the American people have in us. If we run up $770 billion more, we pay interest on that, estimated at $112 billion, that $14 billion gimmicked-up spending adds $900 billion to the debt.

Remember, we are in debt today. Every $1 we spend more than what we agree to is borrowed. Any more spending is borrowed because we are in debt now—nearly 40 percent of the money we spend is borrowed. We spend about $3.7 trillion and we take in about $2.4 trillion and we borrow the rest. It is unsustainable.

Meanwhile, the President continues his call for higher taxes, saying that taxing more will reduce the deficit. But his plan for the new taxes he has proposed is to fund more spending, more gimmicks and more fraud and waste in government. I know you think that is not so—surely, that is not so. That is not what the President is proposing. But, unlike the Democratic Senate, the President did comply with the law and submitted a budget as every President has done since the Congressional Budget Act was passed. He submitted a budget. What did his budget call for? It called for new taxes all right. It called for $1.8 trillion in new taxes over 10 years. But it also increased spending by $1.6 trillion. Do you see what is happening there? The President's proposal calls for $1.6 trillion in new spending, above the Budget Control Act level we agreed to in August. He proposes to wipe out the cuts. He proposes to spend $1.6 trillion more than we agreed to in August, and he pays for it with $1.8 trillion in new taxes.

He didn't use his new taxes to pay down the debt. He used the new taxes to fund more government, more spending. That is not what we need to be doing at this point in history. We should have stayed here last night talking about the debt threat to America and not some controversial issue on campaign finance.

For 3 consecutive years, this Senate Democratic majority has refused to bring forth a budget plan as required by common sense and law. They refuse even to write a budget and bring it to the floor for consideration. They have no financial plan for the future of America.

Senator REID, what is your plan? He blocked Senator CONRAD, who was willing and prepared to lay out a budget plan for the Democrats. He called on him not to do so. For 3 years they have not had a budget. We did not even bring one up this year.

They treat any effort to rein in waste and abuse as evidencing a hatred for those who are suffering and truly in need. We want to help people in need. But anybody who knows these programs, such as some of the stuff that is coming out now on food stamps, knows there is waste, fraud and abuse and we can clean them up and save money and not hurt people truly in need. From the IRS checks sent to illegal aliens that the inspector general of the U.S. Treasury Department said has to end, to lavish GSA parties in Las Vegas, reckless abuse in the food stamp program, and now this surreptitious 14 billion debt increase, there is no financial accountability in Washington.

I will be working to erase this $14 billion spending increase. It is important. I urge my colleagues to join me so our actions will be consistent with our promises to the American people made last August; otherwise we are breaching this agreement the first year. It is always a gimmick and a danger to spend today and promise to pay for it in the future—spend more today than the agreement called for, but we are going to pay for it in the future. It is the first year in our agreement and it has already been breached.

The best avenue may be to raise a point of order, and we will look at that to see how to bring this matter before the Senate. I will be looking for that opportunity. But I truly believe it is a defining moment for us if we cannot adhere 1 full year to the agreement we reached last August and that we told the American people we would abide by. I think the distrust and lack of confidence by the American people, already felt in Congress, will continue to further erode.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

END PAKISTAN AID

Mr. PAUL. Mr. President, the question remains should taxpayers be forced to send money overseas to countries that disrespect us or, more precisely, should we borrow money from China to send it to countries that disrespect us. Should we borrow money from China to send to Pakistan? Should we borrow money from China to send to the Muslim Brotherhood in Egypt? Should we send good money after bad?

For a decade we searched for bin Laden. We spent hundreds of billions of dollars searching for him. Where did we find him? Not in the remote mountains; we found him living comfortably in a city in Pakistan. We found him living in the middle of the city not far from a military academy. We were helped in this search by a doctor, a brave doctor in Pakistan by the name of Dr. Shakil Afridi, who helped us find bin Laden, helped us with ultimately getting bin Laden. How was he rewarded for this heroism? Where is Dr. Shakil Afridi now? He has been imprisoned by the Pakistani Government for 33 years.

For 10 years we searched for bin Laden high and low throughout Afghanistan, throughout the world, throughout the mountains. We found him living comfortably in a city only miles from a military academy, and then the doctor who helped us Pakistan has now imprisoned for 33 years.

How did the President respond to this? How did President Obama's administration respond to the imprisoning of this doctor, the doctor who helped us get bin Laden? President Obama sent them another $1 billion last week. We already sent Pakistan $2 billion, and they disrespect us, so what did we do? We sent them another $1 billion. People around this town are bemoaning there is not enough money for our military. Yet we took $1 billion out of the Defense Department, an extra $1 billion, and sent it to Pakistan last week. Where is Dr. Afridi? In jail for 33 years.

I have obtained the signatures necessary to have a vote on this. The leadership does not want to allow a vote on this, but I will, one way or another, get a vote on ending aid to Pakistan if they continue to imprison this doctor. He has an appeal that will be heard this Thursday. If he is not successful in his appeal, if he is still imprisoned for life, we will have a vote in the Senate on ending all aid to Pakistan—not a small portion of their aid, every penny of their aid, including the $1 billion they got last week. We will attempt to stop all aid to Pakistan.

I ask any of the Senators to step forward if they think it is a good idea and tell the American people why they are sending their money to Pakistan. We have bridges crumbling, we have roads crumbling, we have schools crumbling, and we are sending money to Pakistan, which disrespected us. We spent billions, if not maybe trillions of dollars, on the wars in Pakistan and Afghanistan trying to get bin Laden and then the doctor who helps us is now in jail for 33 years.

Everywhere I go across our country—in my State in Kentucky we have two bridges that need to be replaced. We have one in the middle of one of our major cities that was closed down for 6 months last year for repairs. We don't have the money to repair our infrastructure. We are $1 trillion short of money, period. We are borrowing over $1 trillion a year. We now have a $16 trillion debt that equals our entire economy. Yet they are still sending taxpayer money to dictators overseas who disrespect us. Eighty percent of the public thinks this should come to an end. If we ask this question: Should we be sending this money overseas when we have difficulty and needs and wants at home, 80 percent of the public would say it should end. Yet when we force this body to vote, 80 percent of

your Representatives are for sending more aid overseas. They were all clamoring and clapping their hands last week when President Obama said he sent another $1 billion overseas—they all stand and clap.

I don't think the American taxpayer is clapping. I don't think the American taxpayer is happy we are $1 trillion in the hole and still sending this money overseas to countries that disrespect us.

What I say to Pakistan is if they want to be our ally, act like it. If they want to be our ally, respect us. If they want to be our ally, work with us on the war on terrorism. But if they want to be our ally, don't hold Dr. Afridi, don't hold political prisoners, don't hold people who are actually working with us to get bin Laden.

I will do everything in my power to get this vote. They don't want to have this vote. They like foreign aid over here. They all love sending taxpayer money overseas, but they don't want to vote on it so they have been blocking this vote and they will attempt to block my vote. I have the signatures necessary and you will see me on the floor next week.

If Dr. Afridi is still in jail next week, I will make them vote on this. It is the least taxpayers deserve. The taxpayers deserve to know why their Senators are voting to send their money overseas when we are $1 trillion in the hole. Why are their Senators voting to send trillions of dollars to Pakistan when they imprison the guy who helped us get bin Laden. It is unconscionable. It has to stop. The debt is a threat to taxpayers, our country, a threat to the Republic, and I will do everything I can to force a vote on this and then the American people can decide. They can decide whether they want to keep sending these people back to Washington who are sending their money overseas to people who have no respect for us.

I will do everything in my power to have this vote and we will record the Senate. Your representatives will be recorded on whether they want to continue sending your money to Pakistan while Pakistan imprisons this doctor who helped us get bin Laden.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, for several weeks now I have spoken on the Senate floor, urging my colleagues of both parties to extend the wind production tax credit or, as it is known, the PTC. The Presiding Officer has had an opportunity to listen to me on a number of occasions. I thank him for his interest and support. I am here again this morning to continue my work because I do not want to lose one more American job because of our failure, Congress's failure, to act. I also want to assure, as I know the Presiding Officer does, that we, the United States, remain competitive in the global clean energy economy.

Today, I wish to talk specifically about the PTC's impact on the State of Utah, one of America's fastest growing wind energy producers. Similar to other Western States, including my home State of Colorado, Utah's geography and climate make it an ideal location for wind production. It is estimated that if fully utilized, Utah's wind resources could provide up to 132 percent of the current electricity needs. Think about that, the entire State's electricity needs could be met by wind power alone. If we look at the map of Utah that is displayed here, we will see that the largest wind projects are located in Beaver and Millard Counties, which are in western Utah. In those two counties, the first wind corporation has constructed the Milford Wind Project. That project produces enough electricity to power over 64,000 homes, avoids 300,000 tons of CO_2 emissions and provides good-paying jobs to hundreds of hard-working Utahns.

Beyond the obvious and enormously positive effect the Milford Wind Project has had on the Utah environment, it has also been an economic boon to the surrounding rural communities. Beaver County's tax base increased so much that it allowed for a new elementary school to be built without any tax increases to local residents. In effect, those tax receipts replaced a school that had fallen into disrepair.

This project has brought more than $50 million in economic benefits to Utah as a whole. It has created over 300 onsite jobs during construction and engaged more than 60 local Utah businesses throughout construction and development. That is a win-win-win situation no matter how we calculate it.

Only if we extend the wind PTC will we continue to see the investment, job creation, and economic growth Utah has seen in recent years. Now is the time for us to act to preserve and create thousands of jobs and to usher in a clean energy future for the American people. Without our support, the growth of the wind energy industry will slow, and, in fact, wind energy producers likely will shed jobs and halt projects.

Mr. President, I ask unanimous consent that the article that was published in the Wall Street Journal this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 8, 2012]

WIND POWER FACES TAXING HEADWIND

(By Mark Peters and Keith Johnson)

WEST BRANCH, IOWA.—Acciona Windpower's generator-assembly plant here in the heart of the corn belt is down to its last domestic order as the U.S. wind energy industry faces a sharp slowdown.

Demand for the school bus-size pods it assembles to house the guts of a wind turbine is drying up as a key federal tax credit nears expiration. Acciona is now banking on foreign orders to keep the plant going next year, while hoping the credit will be extended.

The debate over renewing the credit is dividing Republicans, with conservative lawmakers from wind states joining Democrats to push for an extension even as the presumptive GOP presidential nominee, Mitt Romney, has made attacks on government support for clean energy, including wind, a centerpiece of his fight against President Barack Obama.

After several years of domestic growth, the U.S. wind industry faces possible layoffs and shutdowns as a key federal tax credit is set to expire. Mark Peters reports from West Branch, Iowa.

The tax policy, initiated two decades ago, currently gives operators of wind farms a credit of about two cents per kilowatt-hour of electricity they generate. Without the credits, wind power generally can't compete on price with electricity produced by coal- or natural gas-fired plants. Analysts predict that if the tax credit expires on Dec. 31, as it is scheduled to, installations of new equipment could fall by as much as 90% next year, after what is expected to be a record increase in capacity in 2012.

Democrats generally support federal backing for wind power and other clean energy, arguing that it needs help to compete with entrenched fuel sources whose environmental and health impacts often aren't included in their costs. Mr. Obama has made several campaign trips to Iowa, where he argued for wind energy's tax credits to be extended. Most Republicans are less bullish on clean energy's prospects, and say the government shouldn't support technologies that aren't commercially viable on their own.

Still wind power has vigorous support from some of the reddest districts in the country, with Republican congressmen in wind-power heavy states like Texas, Iowa, and Colorado backing the industry tax credit.

Mr. Romney has criticized the Obama administration's support for clean-energy subsidies. ''Solar and wind is fine except it's very expensive and you can't drive a car with a windmill on it,'' Mr. Romney said at a campaign event in March in Youngstown, Ohio. His economic plan says wind and solar power are ''sharply uncompetitive'' forms of energy, whose jobs amount to a ''minuscule fraction'' of the U.S. labor force. A campaign spokeswoman said Mr. Romney supports ''the development of affordable and reliable energy from all sources, including wind.'' He hasn't publicly called for the renewal of the tax credit for wind.

''That's a conversation I need to have with Gov. Romney,'' said Rep. Steve King, an Iowa Republican and a member of the House Tea Party Caucus who says 5,000 wind-industry jobs statewide and locally-produced clean energy are proof of the benefits of federal policies that support wind power. Iowa has gained several wind-power manufacturing facilities in recent years and ranks second among U.S. states in number of wind farms, after Texas. Terry Branstad, the state's Republican governor, also backs a renewal of the credit.

The production tax credit has spurred huge growth since it was signed into law by President George H.W. Bush in 1992, but it has kept the industry's future tied to the vagaries of Congress. The credit now is caught in the congressional gridlock of an election year, and a vote on renewal isn't likely until after November. Even if renewed then, the pipeline of projects next year is already crimped.

''In some way, it's too late to save 2013 build,'' said Matthew Kaplan of consultancy IHS Emerging Energy Research.

The credits for wind have expired three times before, most recently in 2004, with new construction slowing sharply each time before the credit was later renewed.

Now the stakes are higher, because the wind industry has established a manufacturing base in the U.S. to build many of the 8,000 parts that go in a typical turbine. Industry data show manufacturing facilities in the U.S. have more than doubled since 2009 to around 470 in 2011. Meanwhile, wind's share of U.S. electricity output has grown to 2.9% last year, from about 1.3% in 2008, according to the Energy Information Administration.

''There is a lot more skin in the game,'' said Joe Baker, chief executive of the North American wind power subsidiary of Acciona SA, a Spanish company. Its Iowa plant gets 80% of its components from North America, mostly made in the U.S. Almost no components came from the U.S. when the plant opened in 2008.

Many Republicans argue that any benefits from wind power don't justify government investment. ''What do we get in return for these billions of dollars of subsidies?'' Sen. Lamar Alexander, a Tennessee Republican who has long criticized the tax credit for the wind industry, said in a speech earlier this year. ''We get a puny amount of unreliable electricity.''

Local communities are now fearing layoffs in the industry, which employs an estimated 75,000 people nationwide. A Siemens AG turbine-blade factory is the largest employer in Fort Madison, Iowa, which has struggled with one of the state's highest unemployment rates. Mayor Brad Randolph said getting the plant ''really was a corner turner,'' but with industry's current outlook ''you could see a large number of employees getting laid off. That could be a game changer the other way.''

Vestas, a Danish company that is the biggest manufacturer of wind turbines in the world, employs about 1,700 people at four factories in Colorado, a relatively energy-rich state that has also benefited from wind's growth. Uncertainty over the tax credit ''requires us to have a flexible plan for the future that allows us to add, adjust or eliminate positions in 2012,'' a Vestas spokesman said.

That uncertainty trickles down the supply chain. Walker Components, a privately held company in Denver, expanded operations more than two years ago to supply gear for Vestas turbines. Now, like others that supply the wind industry, the company is contemplating layoffs in its wind division if the credit expires.

Acciona's Mr. Baker said a few employees recently left for other jobs, telling him they wanted to be in industries with more stable outlooks. ''It became an employment issue for them. They're not sure. They don't like the seesaw effect,'' he said.

Mr. UDALL of Colorado. Mr. President, that article says if Congress does not promote PTC, my State could lose hundreds, if not thousands, of jobs. Naturally the numbers are higher with suggestions and estimates that we could lose 30,000 jobs.

The PTC is a perfect example of how Congress can play a positive, productive role in encouraging economic growth and supporting American manufacturing. The American people expect us to do everything we can to create jobs and economic growth. They expect us to work across the political aisle and produce results. They deserve results, and we should not disappoint them by succumbing to election-year gridlock. We have a solid base of bipartisan support for wind energy and for the passage of the wind PTC. That is why I have been urging my colleagues to work with me to pass it as soon as possible.

From Colorado and Utah to Rhode Island and beyond, the PTC has helped American families and businesses prosper in a time when other industries have faltered. The wind industry has been one of the few industries of real growth in recent years, and it has so much more potential. Americans have said again and again that they want Congress to extend the wind PTC. Let's not let them down. Our economy and our future depend on it. Let's pass the PTC as soon as possible. It equals jobs.

I will be back on the floor tomorrow to keep fighting for this commonsense policy. Coloradans expect no less. Let's pass the production tax credit as soon as possible and protect American jobs.

Mr. President, if I might, I wish to turn to another topic that is on everybody's minds, and that is the efforts here in the U.S. Senate to reform the way in which our campaigns are financed and the way in which that information is shared with the public.

Many of my colleagues took to the Senate floor last night to discuss the importance of the DISCLOSE Act and to draw attention to the enormous volume of undisclosed money that is now flowing into this campaign season and into those campaigns. Democracy is Strengthened by Casting Light on Spending in Elections Act or, as it is known in its shorter form, the DISCLOSE Act, is an important step forward.

It was conceived as a response to the U.S. Supreme Court's 2010 Citizens United decision. Many of us have watched with deep concern as the consequences of that decision played out this election season. Unlimited and often secret contributions to organizations known as super PACs are pouring into our election system and literally drowning out the voices of ordinary Americans who don't happen to be millionaires or billionaires.

Instead of a system where candidates exchange ideas and share their vision for a more prosperous country, the Citizens United decision has released a relentless display of attack ads, and the American people have no idea where they are coming from or who is footing the bill. This sort of unlimited and secret influx of cash is raising the specter of corruption in our elections. Frankly, I am worried we are entering an era of politics that we haven't seen since the Watergate scandal of some 40 years ago.

However, there is hope. Despite what I thought was a misguided decision tied to Citizens United, the Supreme Court did uphold Congress's power to require transparency when it comes to those unlimited campaign dollars, and so the DISCLOSE Act was born.

Let me share with the viewers what the DISCLOSE Act would do. It would require that super PACs, corporations, labor unions, and other independent groups file a public disclosure with the Federal Election Commission for any campaign-related disbursement of over $10,000 or more within 24 hours of the expenditure.

This basic requirement is designed to bring the exchange of these secret campaign dollars out of the shadows so Coloradans and all the American people know who is trying to influence our elections. That is it. It is simple and it makes sense. We are only asking that political spending and funding be disclosed and held to the same standard as political action committees and candidate expenditures. This sensible requirement will not create burdensome regulations or be in conflict with any of the holdings of the Supreme Court. It is the kind of commonsense transparency that Coloradans are calling for.

It might sound cliched, but sunlight is truly the best disinfectant. In fact, I heard the Republican leader, Senator MCCONNELL, use that same concept: Sunlight is truly the best disinfectant. We literally step on the basic principles of democracy when we allow tens of millions of dollars to be secretly spent on our elections.

I want to emphasize that this should not be a partisan issue. Despite last night's vote, you would think we could all truly agree on transparency. For example, our colleague Senator MCCAIN has lamented that without the reform of transparency, the Citizens United decision could lead to a major campaign finance scandal. And, of course, that is not healthy for our democracy.

The Supreme Court affirmed Congress's authority to require disclosure, so let's do our job to protect democracy and bring sunlight to our elections. Let's bring the DISCLOSE Act forward and pass it right away.

I also know many Americans would like to see us overturn the effects of Citizens United altogether, and there are efforts to do exactly that. For example, Senator TOM UDALL of New Mexico has introduced a constitutional amendment that would give Congress the power to regulate political spending. I support that effort. I also support an effort to change the way in which we fund the Presidential elections.

I have introduced legislation in the Presidential Funding Act that will reform the currently outdated Presidential public finance system. It is a bill that is aimed at preserving the voices of average Americans.

In 1974 the Presidential public campaign finance system was developed in an effort to restore public faith in elected officials after the Watergate scandal, and it has been used in nearly every Presidential election since. By establishing public financing, we allow candidates to compete based on their ideas instead of competing on who has the most support from special interests and deep-pocket donors.

In fact, my father, Congressman Morris Udall, who served in the House representing the second district in Arizona for some 30 years, was actually

one of the first to use the public financing system, which he had helped craft 2 years prior when he ran for the Democratic nomination in 1976. My father was a big believer in running for office on behalf of his constituents instead of on behalf of big money. I believe strongly that ethos ought to apply to today's elected officials more than ever.

The public financing system funded candidates for 30 years and has enriched the political discourse for the country by ensuring that the American people have more say than connected insiders, special interests, or wealthy donors. Unfortunately, the current system's ability to keep up with the enormous spending required in Presidential campaigns has rendered it less effective. Thanks to Citizens United, public financing is no longer a viable option to compete against unlimited special interest dollars.

My legislation would strengthen the public financing system and incentivize candidates to obtain support from actual citizens, not special interest super PACs or secret financiers. It would ensure that our proven public financing system will be available for future elections, and that corporate and special-interest money doesn't drown out genuine ideas and debates in our Presidential elections.

For those of us who are committed to fixing our campaign finance system in the wake of Citizens United, there is a lot of challenging work ahead. I know Coloradans agree with me that reform could be the single most important issue to fix the way our democracy functions. As I have suggested, and as we know, unfortunately Federal elections are increasingly about who can secretly appeal more to wealthy and special interests instead of working to improve the lives of average and hard-working Americans. This sows corruption, dysfunction, and a government that is less responsive to the needs of the people.

Today we have an opportunity to start with a sensible requirement that we should all be able to agree on. Disclosure is nothing to be afraid of. I urge my colleagues to reconsider their vote and to allow the Senate to at least debate the DISCLOSE Act. We cannot afford to let another filibuster stand in the way of fair and open campaigns. Let's pass the DISCLOSE Act and take a big step toward turning the power of our government back over to the American people.

I note that the leader of this important effort, the DISCLOSE Act, Senator WHITEHOUSE of Rhode Island, is on the floor. I thank the Senator for his leadership and his commitment to ensuring that it is the American people who determine our future, not special interests, super PACs, millionaires, billionaires, and financiers who leave no track and no trace of where their money is going and where it is coming from.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Colorado for his impassioned and eloquent support. I think we recognize that through the course of our country's history, men and women have shed their blood, have laid down their lives in order to protect this experiment in liberty that is the ongoing gift of our country to the rest of the world. When we take that experiment of liberty and turn it over to the special interests, it is a grave occasion.

I yield the floor.

THE PRESIDING OFFICER. The majority leader is recognized.

HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOME OWNERSHIP ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of H.R. 205, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 205) to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 205) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Rhode Island.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

Mr. WHITEHOUSE. Mr. President, I believe Chairman LEAHY will shortly be joining us to discuss the DISCLOSE Act.

I ask unanimous consent that an oped piece authored by former Senator Warren Rudman and former Senator Chuck Hagel—two former Republican Senators who distinguished themselves in this body and have gotten together to write an article about the DISCLOSE Act—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 2012]

FOR POLITICAL CLOSURE, WE NEED DISCLOSURE

(By Warren Rudman and Chuck Hagel)

Since the beginning of the current election cycle, extremely wealthy individuals, corporations and trade unions—all of them determined to influence who is in the White House next year—have spent more than $160 million (excluding party expenditures). That's an incredible amount of money.

To put it in perspective, at this point in 2008, about $36 million had been spent on independent expenditures (independent meaning independent of a candidate's campaign). In all of 2008, in fact, only $156 million was spent this way. In other words, we've already surpassed 2008, and it's July.

In the near term, there's nothing we can do to reverse this dramatic increase in independent expenditures.

Yet what really alarms us about this situation is that we can't find out who is behind these blatant attempts to control the outcome of our elections. We are inundated with extraordinarily negative advertising on television every evening and have no way to know who is paying for it and what their agenda might be. In fact, it's conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections. And we might not even know it had happened until after the election, if at all.

This is because unions, corporations, ''super PACs'' and other organizations are able to make unlimited independent expenditures on our elections without readily and openly disclosing where the money they are spending is coming from. As a result, we are unable to get the information we need to decide who should represent us and take on our country's challenges.

Unlike the unlimited amount of campaign spending, the lack of transparency in campaign spending is something we can fix and fix right now—without opening the door to more scrutiny by the Supreme Court.

A bill being debated this week in the Senate, called the Disclose Act of 2012, is a well-researched, well-conceived solution to this insufferable situation. Unfortunately, on Monday, the Senate voted, mostly along party lines, to block the bill from going forward. But the Disclose Act is not dead. As of now, it is 9 short of the 60 votes it needs.

The bill was introduced by Senator Sheldon Whitehouse, Democrat of Rhode Island, who deserves tremendous credit for crafting such comprehensive legislation, listening to his critics and amending his bill to address their concerns in a bold display of compromise. At its core, Whitehouse's bill would require any ''covered organization'' which spends $10,000 or more on a ''campaign-related disbursement'' to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure, and to file a new report for each additional $10,000 or more that is spent. The F.E.C. must post the report on its Web site within 24 hours of receiving it.

A ''covered organization'' includes any corporation, labor organization, section 501(c) organization, super PAC or section 527 organization.

This is a huge improvement over the status quo, where super PACS currently have months to disclose their donors (often withholding this information until after an election) and 501(c) organizations have no requirement to disclose their donors at all.

The report must include the name of the covered organization, the name of the candidate, the election to which the spending pertains, the amount of each disbursement of

more than $1,000, and a certification by the head of the organization that the disbursement was not coordinated. The report must also reveal the identity of all donors who have given more than $10,000 to the organization.

We have no doubt that the Disclose Act will be spared any credible constitutional challenges if it were to pass the Senate and the House. In its Citizens United decision, the Supreme Court, by an 8–1 majority, upheld the provisions of federal law that require outside spending groups to disclose their expenditures on electioneering communications, including the donors financing those expenditures. Justice Anthony Kennedy, writing for the Court, noted that these provisions ''impose no ceiling on campaign-related activities'' and ''do not prevent anyone from speaking.''

We believe that every senator should embrace the Disclose Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats. Most important, it is good for the American people.

What's more, every senator considering reelection faces the possibility of being blindsided by a well-funded, anonymous campaign challenging his or her record, integrity or both. The act under consideration would prevent this from happening to anyone running for Congress.

Without the transparency offered by the Disclose Act of 2012, we fear long-term consequences that will hurt our democracy profoundly. We're already seeing too many of our former colleagues leaving public office because the partisanship has become stifling and toxic. If campaigning for office continues to be so heavily affected by anonymous out-of-district influences running negative advertising, we fear even more incumbents will decline to run and many of our most capable potential leaders will shy away from elective office.

No thinking person can deny that the current situation is unacceptable and intolerable. We urge all senators to engage in a bipartisan effort to enact this critically needed legislation. The Disclose Act of 2012 is a prudent and important first step in restoring some sanity to our democratic process.

Mr. WHITEHOUSE. I think what I would like to do is actually share some of the thoughts from it.

Here is what Senator Rudman and Senator Hagel, two former Republican Senators, say:

Since the beginning of the current election cycle, extremely wealthy individuals, corporations and trade unions—all of them determined to influence who is in the White House next year—have spent more than $160 million.

Excluding party expenditures.

That's an incredible amount of money.

To put it in perspective, at this point in 2008, about $36 million had been spent on independent expenditures.

Independent meaning independent of a candidate's campaign.

In all of 2008, in fact, only $156 million was spent this way. In other words, we've already surpassed 2008, and it's July.

In the near term, there's nothing we can do to reverse this dramatic increase in independent expenditures.

These two distinguished former Republican Senators wrote:

Yet what really alarms us about this situation is that we can't find out who was behind these blatant attempts to control the outcome of our elections. We are inundated with extraordinarily negative advertising on television every evening and have no way to know who is paying for it and what their agenda might be. In fact, it's conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections and we might not even know it had happened until after the election, if at all.

This is because unions, corporations, ''super PACs'' and other organizations are able to make unlimited independent expenditures on our elections without readily and openly disclosing where the money they are spending is coming from. As a result, we are unable to get the information we need to decide who should represent us and take on our country's challenges.

Unlike the unlimited amount of campaign spending, the lack of transparency in campaign spending is something we can fix and fix right now—without opening the door to more scrutiny by the Supreme Court.

A bill being debated this week in the Senate called the DISCLOSE Act of 2012 is a well-researched, well-conceived solution to this insufferable situation. Unfortunately, on Monday the Senate voted, mostly along party lines, to block the bill from going forward. But the DISCLOSE Act is not dead. As of now, it is 9 short of the 60 votes it needs.

They then describe the bill and continue:

We believe that every senator should embrace the DISCLOSE Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats. Most important, it is good for the American people.

What's more, every Senator considering reelection faces the possibility of being blindsided by a well-funded, anonymous campaign, challenging his or her record, integrity, or both. The act under consideration would prevent this from happening to anyone running for Congress.

Without the transparency offered by the DISCLOSE Act of 2012, we fear long-term consequences that will hurt our democracy profoundly. We are already seeing too many of our former colleagues leaving public office because the partisanship has become stifling and toxic. If campaigning for office continues to be so heavily affected by anonymous, out-of-district influences running negative advertising, we fear even more incumbents will decline to run and many of our most capable potential leaders will shy away from elective office.

No thinking person can deny that the current situation is unacceptable and intolerable. We urge all senators to engage in a bipartisan effort to enact this critically needed legislation. The DISCLOSE Act of 2012 is a prudent and important first step in restoring some sanity to our Democratic process.

Then the article closes by identifying the authors: Former Senator Warren Rudman, Republican of New Hampshire, is a chairman of Americans for Campaign Reform, and former Senator Chuck Hagel, Republican of Nebraska, introduced disclosure legislation in 2001.

While we await my colleagues who are scheduled to come to the floor, let me add that it is not unique or unusual that Senators Rudman and Hagel, former Republican Senators, should be supportive of the DISCLOSE Act and of disclosure of who is making these massive, now secret, contributions to buy influence in our elections. First of all, it is not surprising because it is so darned obvious. It should be obvious to any thinking person, as Senators Rudman and Hagel said, that when somebody is spending the kind of money that is being spent—a single donor making, for instance, a $4 million anonymous contribution—they are not doing that out of the goodness of their heart. They are not doing that just for the sheer fun of it. They are doing that because they have a motive. One doesn't spend $4 million in politics if one doesn't have a motive. If one thinks otherwise, one really needs to wake up and have a cup of coffee.

If we add to that the insistence on the funding being secret, there is only one reasonable conclusion that a thinking person can draw about why somebody who is spending that kind of money with a motive would want their spending and their identity to be secret, and that is because the motive is a crummy motive. It is a lousy motive for the American people. If the American people were excited about the motive, they wouldn't want to keep it secret. It is only because they want to do bad deeds in the dark.

When time permits again, I will go through some of the Republican Senators who have spoken out in favor of disclosure and transparency in the past. We all know from the debate last night that the minority leader has—and I will yield to the chairman of the Judiciary Committee as soon as he is prepared—Senator ALEXANDER has been on record, as well as Senator CHAMBLISS, Senator SESSIONS, Senator CORNYN, Senator MURKOWSKI, Senator COLLINS, Senator BROWN of Massachusetts, Senator COBURN, and, of course, most prominently and most courageously over a long period of time and with great distinction, Senator JOHN MCCAIN.

So at this moment, I will yield to my distinguished chairman and friend, the chairman of the Judiciary Committee. I appreciate him giving his voice to this debate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Rhode Island has done. He has been a champion on this not only in the public forum on this floor of the Senate, but he has been a champion in the cloakrooms, in the committee rooms; everywhere we have been speaking about it, he has been most consistent. The people of Rhode Island are very fortunate to have somebody with such a strong voice.

For the last two and a half years, the American people have seen the devastating effects of the Citizens United decision. That decision by five Supreme Court Justices overturned a century of laws—a century of laws that have been supported by Republicans and Democrats alike—designed to protect our elections from corporate

spending. And what these five men did is they unleashed a massive flood of corporate money into our elections.

Now, many of us in the Congress and around the country were worried at the time of the Citizens United decision that it turned on its head the idea of government of, by, and for the people. We worried that the decision created new rights for Wall Street at the expense of people on Main Street. We worried that powerful corporate megaphones could drown out the voices and interests of individual Americans. I wish I didn't have to say this, but two and a half years later, it is clear these worries were supremely valid, and the damage is devastatingly real.

Since the Citizens United decision struck down longstanding prohibitions on corporations from direct spending in political campaigns, hundreds of millions of dollars from undisclosed and unaccountable sources have flooded the airwaves with a barrage of negative advertisements. Nobody who has watched our elections or even tried to watch television since the Citizens United decision can deny the enormous impact that decision has had on our political process. Everywhere I go in Vermont, people say: Who is behind these ads? Many of them find them offensive in Vermont.

They say: Who is behind these ads?

I say: I don't know.

They say: Well, you are a U.S. Senator. What do you mean you don't know?

I say: Because the Supreme Court has allowed people to hide who is paying for them, even though they are doing it to advance their economic interests, often to the exclusion of everybody else's; even though they are wanting to give themselves an advantage that all the rest of the people won't have.

Nobody who has strained to hear the voices of the voters lost among the flood of noise from super PACs can deny that by extending first amendment rights in the political process to corporations, the Supreme Court put at risk the rights of individual Americans to speak to each other and, crucially, to be heard. Yet, just last month, without a hearing—without even allowing Americans' voices to be heard—the same five Justices who in Citizens United ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws doubled down on Citizens United when they summarily struck down a 100-year-old Montana State law barring corporate contributions to political campaigns—a State law that had been enacted by the people of Montana because they had seen the pervasive and sometimes evil effects of these corporate contributions. In doing so, they broke down the last public safeguards preventing corporate megaphones from drowning out the voices of hard-working Americans.

There is no doubt about it. In our State of Vermont, we have a town meeting day. People come in. They can express any view they want, but you know who is expressing it. You know whether it is John Jones or Mary Smith. You know if it is the head of a local company or somebody speaking for a workers union. You know who is speaking, and you know that you have just as much right and ability to answer as they did in speaking. Now we are saying: No, no; unless you are a wealthy corporation willing to hide who is speaking, you are not going to be heard.

The Supreme Court decisions not only go against longstanding laws and legal precedence but also common sense. Contrary to at least what one candidate has said, corporations are not people. Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals, or the same interests. Corporations cannot vote in our democracy. We could elect General Eisenhower as President, but General Electric and General Motors cannot serve as the President. But if you go to the logic of these Supreme Court decisions, it virtually says: Let's elect General Electric or General Motors as President. The fact is, these are artificial legal constructs meant to facilitate business. The Founders understood this. The Founders knew we were not going to allow corporations either to vote or to take over our electoral process. Vermonters and Americans across this great country have long understood this. Apparently five members of the Supreme Court did not understand this.

Like most Vermonters, Republicans and Democrats alike, I strongly believe something must be done to address the divisive and corrosive decision of the Supreme Court in Citizens United. That decision was wrong, the damage must be repaired, and the harmful ways it is skewing the democratic process must be fixed. That is why I held the first congressional hearing on that terrible decision in the weeks after it was issued. That is why we have scheduled a hearing next week in the Senate Judiciary Committee's constitution subcommittee, led by the distinguished Senator from Illinois, Mr. DURBIN, to look at proposals for constitutional amendments to address Citizens United.

But today, without waiting the years and years and years that a constitutional amendment might take, the Senate can take action. By passing the DISCLOSE Act, we can restore transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. It is a crucial step toward restoring the ability of Vermonters and all American voters to be able to speak, be heard and to hear competing voices, and not be drowned out by powerful corporate interests. For any of us who are in an election, we expect our opponent to be able to speak out, and the public expects it. They want to hear from both of us. And they should. That is why we have debates. That is why we have candidate forums. But it all becomes irrelevant if you have a huge megaphone, paid for by anonymous donors, anonymous corporations.

When I cosponsored the first DISCLOSE Act after the Supreme Court's decision in 2010, I hoped Republicans would join with Democrats to mitigate the impact of the Citizens United decision. From the depths of the Watergate scandal forward, until only recently, the principle of disclosure was a bipartisan value. A clear-cut reform such as the DISCLOSE Act would have easily drawn bipartisan support in those days after Watergate. I hoped that Senate Republicans, like my friend from Arizona, Senator JOHN MCCAIN, who once championed the bipartisan McCain-Feingold campaign finance law, which I supported, would join with us to help ensure that corporations could not abuse their newfound constitutional rights. Regrettably, every single Republican joined to successfully filibuster the DISCLOSE Act in 2010, and despite a majority in the House and a majority in the Senate and the American people voting and being in favor of passing this disclosure law, it fell one vote short from breaking a Republican filibuster in the Senate—one vote, but not a single Republican would stand and help us restore some of the core disclosure aspects of McCain-Feingold.

Senate Republicans are continuing their filibuster of this commonsense legislation. By filibustering it, they deny the American people an open, public, and meaningful debate on the importance of transparency and accountability in our elections. Last night they again filibustered this bill even though a majority in this Senate voted in favor of it. In fact, they refused to even proceed to debate on the bill in the Senate.

Despite the clear impact of waves of unaccountable corporate campaign spending that has led Senator MCCAIN to now concede that super PACs are ''disgraceful,'' a minority in the Senate, consisting exclusively of Republicans, continue to prevent passage of this important law. Why are they against this bill? Why, when so many Senators of both parties used to champion disclosure laws and Senators of both parties used to support knowing who is paying for campaign ads, do they continue to prevent us from having a debate? Why, when the Supreme Court made clear even in the Citizens United decision that disclosure laws are constitutional, does the Senate Republican leadership insist on stalling the reform?

What happened to those Americans who said that our elections should be open? What happened to those Americans who said we ought to know who is involved in these elections? There should be only one thing secret in our elections: your secret vote, your right to vote in secret—one person, one vote. But nothing should say that there

should be a powerful, hidden, secret hand overwhelming the voters of America in telling them how they should vote.

We know disclosure laws can work because they do work for individual Americans donating directly to political campaigns. Mr. President, when you or I give money directly to a political candidate, our donation is not hidden. It is publicly disclosed. And that candidate—people can look at who has supported him or her, and that goes into their thoughts as to whether they will vote for them. Yet those who oppose the DISCLOSE Act are standing up for special rights for corporations and wealthy donors—rights, Mr. President, you and I do not have.

We have seen since Citizens United that the line the Supreme Court imagined existed between individual campaigns and the super PACs is an all but meaningless one, as super PACs have poured more and more money into influencing election campaigns. In reality, super PACs have simply become a way to funnel secret, massive, nondisclosed donations to political campaigns. The Citizens United decision has allowed corporations and large donors to evade the disclosure laws that apply to you and me by giving money to groups that then fund super PACs, as a way of laundering the money and keeping secret the real funders of these campaign ads.

If the average Vermonter wants to contribute to my campaign or my opponent's campaign, that is going to be public. People are going to know, and they will make their decisions. Part of their decision will be based on who supports us. But when you have a secret—a secret—wealthy entity supporting you, nobody knows who it is. And none of these entities use their real names. They are always for good government, for clean air, for motherhood and apple pie, for the sun rising in the east and setting in the west. There is no reason those funding these super PACs should not be bound by the same disclosure rules for giving directly to campaigns. Public disclosure of donations to candidates has never chilled campaign funding, and it has never prevented millions of Americans from participating openly. I follow a rule of releasing every single donor to my campaign, and I think we had one for 85 cents once that got disclosed.

We have seen some on the other side of this debate disgracefully compare the attempt we are making—to ensure that the same disclosure laws that apply to you and me also apply to corporations—to the shameful effort in the 1950s and 1960s to keep African Americans from exercising their right to vote. There the chilling effect often took the form of violence. We all remember the bridge at Selma and the blood that was spilled in the long effort for voting rights that led to the Voting Rights Act. At a time when we are seeing a renewed effort to deny millions of Americans their right to vote through voter purges and voter ID laws that serve as modern-day poll taxes, the comparison some have made between our effort to bring sunlight and those evil days is as shameful as it is wrong.

When the race is on for secret money and election campaigns are won or lost by who can collect the largest amount of secret donations, it puts at risk government of, by, and for the people. Now, our ballots should be secret but not massive corporate campaign contributions.

I can tell you what I am fighting for. While too many Vermonters and other Americans are still looking for work, we need to continue looking for ways to spur job growth and economic investment in this country. We have to continue our efforts to increase jobs, reduce unemployment, and support hard-working American families struggling to keep food on the table and a roof over their heads. We have to protect Americans' access to clean air and clean water. We have to fight for their economic security by protecting Social Security, Medicare, and Medicaid. We need to work together to move forward with reasonable policies to bolster economic growth and development and by ending the Bush tax cuts for the wealthiest Americans—the tax cuts we cannot afford that contributed to the financial crisis facing us today.

That is what I am fighting for and I will keep on fighting for those things. What are the secret sources of funding for the super PACs fighting for? What do they expect to gain from hundreds of millions in campaign ads? And why are they hiding?

Vermont is a small State. It would not take more than a tiny fraction of the corporate money flooding the airwaves in other States to outspend all of our local candidates combined. I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on election day. That is why more than 60 Vermont towns passed resolutions on Town Meeting Day calling for action to address Citizens United. Like all Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the first amendment. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending.

I hope that Republicans who have seen the impact of waves of unaccountable corporate campaign spending reconsider their filibuster of a debate on this important legislation. I hope Republican Senators will let us vote on the DISCLOSE Act and help us take an important step to ensure the ability of every American to be heard and to be able to meaningfully participate in free and fair elections.

Mr. President, I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I thank Chairman LEAHY.

I ask unanimous consent, in terms of scheduling floor time, that Senator MANCHIN of West Virginia be recognized now for up to 5 minutes; that Senator MCCAIN, if he is on the floor, be recognized at the conclusion of Senator MANCHIN's 5-minute period; and if Senator MCCAIN is not present on the floor, that I be recognized in his stead.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today to address the disturbing role that money is playing in our politics, especially when it comes to anonymous groups with deep pockets that are trying to tear people down. There is no question this is a corrosive situation and it is hurting our democracy.

When you have unaccountable outside groups with virtually unlimited pockets, more and more lawmakers—all of us included—have to spend more time dialing for dollars that takes us away from legislating. That is simply backwards, sir. Elected officials should be working on fixing our problems, not having to worry every minute of every day about raising money so you can be protective or fend off people who are attacking you. And the effects are very clear: This Congress has stalled when it comes to tackling our biggest problems as a nation, but we are raising more money in politics than ever before.

Those priorities in my State of West Virginia are totally out of order, and we need to do something to change the system. I am not alone with this concern. In private, I have talked to my fellow Senators on both sides, Democrats and Republicans, who basically say they are spending more time raising money for reelection and that constant fundraising events interfere with the everyday business of governing this great Nation in the time they are spending to do that.

I try to spend time in my great State of West Virginia every weekend. I can tell you the people of West Virginia are also deeply troubled by the increasing role money is playing in our politics. Ever since the Supreme Court decision on the Citizens United campaign finance case, we have seen outside groups unleash an unprecedented flood of money to sway elections, and we have seen it time and again in West Virginia over the past several years.

I was deeply troubled by some statistics about how few Americans are involved in financing elections. This is cited by Professor Lawrence Lessig, a campaign finance expert, in The Atlantic.

Let me put this issue in perspective for our viewers and my colleagues. The population of this country is approximately 311 million people. We live in this great United States of America. A tiny number of those Americans—only 806,000 people out of the 311 million—give more than $200 to a congressional campaign. To break that down even further, only 155,000 out of the 311 million contribute the maximum amount to any congressional candidate.

Then look at the people who participate in a number of elections who give more than $10,000 in an election cycle—the maximum they can give to a candidate and to other candidates—and of those people in the United States of America out of the 311 million, only 31,000 Americans do that.

Let me break it down to even the super PACs—the money that comes from the super PACs. Just in this Presidential election so far, there are only 196 Americans out of 311 million—only 196 people—who have given hundreds of millions of dollars. They account for 80 percent of the funding so far. That is unheard of.

First of all, let me thank Senator WHITEHOUSE of Rhode Island. He has been truly a champion of common sense, bringing this together and bringing all sides together. Some of my friends would say spending money to influence an election is their first amendment right of freedom of speech. To my friends, I understand and respect their concerns. But I truly believe the DISCLOSE Act will not limit their freedom of speech. Instead, it will prevent the anonymous political campaigning that is undermining our democracy.

The people of West Virginia believe we need openness and transparency to stay informed and keep our democracy strong, and the DISCLOSE Act would do that. The people of this country have a right to know who is spending large amounts of money to influence elections. This bill would make the information available.

I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. MANCHIN. In fact, the measure is quite simple. Anytime an organization or individual spends $10,000 or more on a campaign-related expense—that is the issue that is very important, campaign-related expense—they have to file a disclosure report with the Federal Elections Commission within 24 hours. Every one of us who runs for office has to disclose every penny we get. It should be that way. Some States, such as our sister State of Virginia, already have a transparency and disclosure law, and it has not stifled free speech there, nor does this provision affect organizations' regular operations. The disclosure is only required when organizations and individuals spend money on campaigns or try to influence elections.

Instead, this bill makes sure every person and organization plays fairly and by the same rules. Whether those organizations or individuals are in the middle, the left, the right, forward, backward or upside down, they have to play by the same rules.

In fact, I truly believe this provision will take an important step forward to increase transparency and accountability. That seems only right and fair to me. I am proud to cast my vote in favor of the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, here we are with 41 months of over 8 percent unemployment in America, and the national defense authorization bill is languishing in the shadows while we continue to have this debate and, obviously, there is no doubt in most people's minds that—with the full knowledge of the sponsors of this legislation that it will not pass—it is obviously for certain political purposes.

I oppose cloture on the motion. My reasons for opposing this motion are simple, even though the subject of campaign finance reform is not. In its current form, the DISCLOSE Act is closer to a clever attempt at political gamesmanship than actual reform.

By conveniently setting high thresholds for reporting requirements, the DISCLOSE Act forces some entities to inform the public about the origins of their financial support, while allowing others—most notably those affiliated with organized labor—to fly below the Federal Election Commission's regulatory radar.

My colleagues are aware that I have a long history of fighting for campaign finance reform and to break the influence of money in American politics. Regardless of what the U.S. Supreme Court may do or say, I continue to be proud of my record because I believe the cause to improve our democracy and further empower the citizens of our country was and continues to be worth fighting for.

But let's be clear. Reforms that we have successfully enacted over the years have not cured all the public cynicism about the state of politics in our country. No legislative measure or Supreme Court decision will completely free politics from influence peddling or the appearance of it. But I do believe that fair and just reforms will move many Americans, who have grown more and more disaffected from the practices and institutions of our democracy, to begin to get a clearer understanding of whether their elected representatives value their commitment to our Constitution more than their own incumbency.

For far too long, money and politics have been deeply intertwined. Anyone who has ever run for a Federal office will assure us of the fact that candidates come to Washington not seeking wisdom or ideas but because they need help raising money. The same candidates will most likely tell us they are asked one question when they announce they are going to seek office. Unfortunately, it is not how they feel about taxes or what is their opinion of the role of government. No, the question they are asked is: How are you going to raise the money? Couple that sad reality with the dawn of the super PAC spending from corporate treasuries and record spending by big labor and one can easily see a major scandal is not far off, and there will be a scandal, mark my words. The American people know it and I know it.

Reform is necessary, but it must be fair and just and this legislation is not. I say that from many years of experience on this issue.

A recent Wall Street Journal article by Tom McGinty and Brody Mullins, titled ''Political Spending by Unions Far Exceeds Direct Donations,'' noted that organized labor spent about four times as much on politics and lobbying as originally thought—$4.4 billion from 2005 to 2011. According to the Wall Street Journal's analysis, unions are spending far more money on a wider range of political activities than what is reported to the Federal Election Commission. The report plainly states:

> This kind of spending, which is on the rise, has enabled the largest unions to maintain and in some cases increase their clout in Washington and state capitals, even though unionized workers make up a declining share of the workforce. The result is that labor could be a stronger counterweight than commonly realized to ''super PACs'' that today raise millions from wealthy donors, in many cases to support Republican candidates and causes.
>
> The hours spent by union employees working on political matters were equivalent in 2010 to a shadow army much larger than President Obama's current re-election staff, data analyzed by the Journal show.

The report goes on to note:

> Another difference is that companies use their political money differently than unions do, spending a far larger share of it on lobbying, while not undertaking anything equivalent to unions' drives to persuade members to vote as the leadership dictates. Corporations and their employees also tend to spread their donations fairly evenly between the two major parties, unlike unions, which overwhelmingly assist Democrats. In 2008, Democrats received 55 percent of the $2 billion contributed by corporate PACs and company employees, while labor unions were responsible for $75 million in political donations, with 92 percent of it going to Democrats.
>
> The traditional measure of unions' political spending—reports filed by the FEC—undercounts the effort unions pour into politics because the FEC reports are mostly based on donations unions make to individual candidates from their PACs, as well as spending on campaign advertisements.
>
> Unions spend millions of dollars yearly paying teams of political hands to contact members, educating them about election issues and trying to make sure they vote for union-endorsed candidates.
>
> Such activities are central to unions' political power: The proportion of members who vote as the leadership prefers has ranged from 68 percent to 74 percent over the past decades at AFL–CIO-affiliated unions, according to statistics from the labor federation.

Additionally, a February 22, 2012, Washington Post article, titled ''Union Spending for Obama, Democrats Could Top $400 million in 2012 Election.'' AFSCME reportedly expects to spend $100 million ''on political action, including television advertising, phone banks and member canvassing, while the SEIU plans to spend at least $85 million in 2012.

With that analysis, combined with the $1.1 billion the unions reported to

the FEC from 2005 to 2011, and the additional $3.3 billion unions reported to the Labor Department over the same period on political activity, the need for equal treatment of political advocacy under the law becomes readily apparent. I repeat, the need for equal treatment of political advocacy under the law becomes readily apparent.

Given the strength and political muscle behind all these figures, it is easy to understand why disclosure may sound nice, but unless the treatment is completely fair, taking into account the diverse nature and purpose of different types of organizations, disclosure requirements will likely be used to give one side a political advantage over another. That is just one of the flaws of the bill before us today.

The DISCLOSE Act would have little impact on unions because of the convenient thresholds for reporting. But it would have a huge effect on associations and other advocacy groups. From my own experience, I can state without question that real reform—and, in particular, campaign finance reform—will never be attained without equal treatment of both sides. A half dose of campaign finance reform will be quickly—and rightly—labeled as political favoritism and will undermine future opportunities for true progress. Furthermore, these sorts of games and measures will only make the American people more cynical and have less faith in what we do.

The authors of this bill insist it is fair and not designed to benefit one party over the other. Sadly, the stated intent doesn't comport with the facts. The DISCLOSE Act is written to burden labor unions significantly less than the other groups. In the United States, there are roughly 14 million to 16 million union members, each of whom is required to pay dues to its local union chapter. Historically, these local union chapters send a portion of their revenues up to their affiliated larger ''international'' labor unions. And while each union member's dues may be modest, the amounts that ultimately flow up to the central political arms are vast. The DISCLOSE Act protects this flow of money in two distinct ways: No. 1, organizations that engage in political conduct are only required to disclose payments to it that exceed $10,000 in a 2-year election cycle, meaning the local union chapter will not be required to disclose the payments of individual union members to the union even if those funds will be used for political purposes.

What is the final difference between one $10,000 check and 1,000 $10 checks? Other than the impact on trees, very little. So why should one be free from having to disclose its origin?

No. 2, the bill exempts from the disclosure requirements transfers from affiliates that do not exceed $50,000 for a 2-year election cycle. As a result, unions would not have to disclose the transfers made to it by many of its smaller local chapters. Given the contrast between union and corporate structures, this would allow unions to fall beneath the bill's threshold limits. For local union chapters, this anonymity is probably pretty important because, among other effects, it prevents union chapter members from learning how much of their dues payments are being used on political activities.

While the exemptions outlined in the DISCLOSE Act may be facially applied to business organizations and associations, it is apparent to me the unions' unique pyramid-style, ground-up, money-funneling structure would allow unions to not be treated equally by the DISCLOSE Act. Unlike unions, most organizations do not have thousands of local affiliates where they can pull up to $50,000 in ''affiliate transfers.''

I have been involved in the issue of campaign finance reform for most of my career. I am proud of my record. I am supportive of measures which call for full and complete disclosure of all spending in Federal campaigns. I reaffirmed this commitment by submitting an amicus brief to the U.S. Supreme Court regarding campaign finance reform along with the author of the DISCLOSE Act. This bill falls short. The American people see it for what it is: Political opportunism at its best, political demagoguery at its worst.

My former colleague from Wisconsin, Senator Feingold, and I set out to eliminate the corrupting influence of soft money and to reform how our campaigns are paid for. We vowed to be truly bipartisan and to do nothing which would give one party a political advantage over the other. The fact is this gives one party an advantage over the other.

I say with great respect to the Senator from Rhode Island, the way I began campaign finance reform is I found a person on the other side of the aisle who was willing to work with me, and we worked together on campaign finance reform. The Senator from Rhode Island and the sponsors of this bill have no one on this side of the aisle. By not having anyone on this side of the aisle, the Senator from Rhode Island has now embarked on a partisan enterprise.

I suggest strongly to the sponsors of the bill—if they are serious about campaign finance reform and about curing the evils going on now—they approach Members on this side of the aisle and make sure our concerns about the role of labor unions in this financing of political campaigns are addressed as well.

It is too bad—it is too bad—that Members on that side of the aisle are now orchestrating a vote which is strictly partisan in nature when they know full well the only way true campaign finance reform will ever be enacted by the Congress is in a bipartisan fashion. This is a partisan bill, and I am disappointed we are wasting the time of the Senate on a bill—and on a cause that is of utmost importance, in my view—in a partisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, before I yield the floor to Senator SANDERS, I wanted to take 1 minute and thank Senator MCCAIN for his many years of principled advocacy in this area. People have written entire books about the work he has done. I think it was Elizabeth Drew who wrote one of the best books about the courage Senator MCCAIN has shown over the years. So I come to this debate with enormous respect for him.

I will say the bill is not bipartisan, but that is not for lack of trying. We have reached out over and over again. In the face of an absolute stonewall on this subject, we have changed the bill ourselves in order to accommodate concerns. The stand-by-your-ad provision was criticized by the Republican witness in the Rules Committee, so we removed it. The National Rifle Association was livid about the $600 threshold because it would require them to disclose their members, so we raised it to $10,000. Over and over, where there have been substantive objections to the bill, we have met them.

At this point, not one Republican—for all of our contacts across the aisle—has expressed anyplace in this bill where an amendment could be made. We have never been given any language, we have never been shown the area that, in theory, is better for the unions. It is, as Senator MCCAIN himself admitted, facially applied to corporations and unions and other organizations alike.

I would refer back to the op-ed in today's New York Times by Republican former Senators Rudman and Hagel agreeing this is, in fact, a fair bill. It is balanced among all parties, and all Senators should support it.

With that, I yield the floor to my colleague, Senator SANDERS, with appreciation for allowing me that moment of his time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator WHITEHOUSE, Senator SCHUMER, and all those who have been working so hard on this enormously important issue which has everything to do with whether our country remains the kind of democracy most of us want it to be.

I come to the Senate floor today to express my profound disgust with the current state of our campaign finance system and to call for my fellow Senators, as a short-term effort, to pass the DISCLOSE Act. Passing the DISCLOSE Act would be an important step forward, but clearly we have much more to do on this issue.

Long term, of course, we need a constitutional amendment to overturn this disastrous Supreme Court decision—the Citizens United 5-to-4 decision of 2 years ago. Long term, in my view, we also need to move this country toward public funding of elections

so that once and for all big money will not dominate our political process.

Long term, there is no question in my mind that Citizens United will go down in history as one of the worst decisions ever rendered by a U.S. Supreme Court. Five members of the Court came to the bizarre conclusion that corporations should be treated as if they were people; that they have a first amendment right to spend as much money as they want to buy candidates, to buy elections. Somehow, in the midst of all of this unbelievable amount of spending millions and millions of dollars, the Supreme Court came to the conclusion this would not even give the appearance of corruption. I think that is, frankly, an absurd conclusion.

Mr. President, let me tell you—and my take on this may be a little different than some of my colleagues—what concerns me most about the Citizens United decision. If we look at Citizens United in tandem with other trends in our economy today, what we see is this Nation is rapidly moving from an economic and political society to an oligarchic form of society.

Economically, what we see are fewer and fewer people who control our economy. We see a nation which has the most unequal distribution of wealth and income of any major country on Earth, in which the top 1 percent of our Nation owns 40 percent of the wealth and the bottom 60 percent owns 2 percent of the wealth. That gap between the very wealthy and everybody else is growing wider and wider. That is wealth in terms of income distribution.

The situation is even worse. The last study we have seen suggests that 93 percent of all new income between 2009 and 2010 went to the top 1 percent. So, economically, we are moving toward a nation in which a few people have a significant amount of the wealth of America—significant amount of the income of America in terms of concentration of ownership. We see a situation in which six financial institutions on Wall Street have assets equivalent to two-thirds of the GDP of the United States of America—over $9 trillion controlled by six financial institutions. And the recklessness, greed, and illegal behavior of those financial institutions are what drove us into the recession we are struggling with right now.

So now, as a nation, the trends are that fewer and fewer people own the wealth of America and fewer and fewer large corporations control the economy of America. But, apparently, that is not good enough for the 1 percent, for our millionaire and billionaire friends, because now they want to take that wealth and exercise it even more than has been the case in the past in the political realm. That takes us now to Citizens United.

In the real world, we all know what is going on with Citizens United. We know billionaires are saying: Look, yeah, it is great I own an oil company. It is great that I own a coal company. It is great that I own gambling casinos. But, gee, I could have even more fun by owning the United States Government.

So we have entities out there who are worth some $50 billion—and the Koch brothers come to mind. If you are worth $50 billion and you have all kinds of interactions with the Federal Government and you have strong political views, why wouldn't you spend $400 million—which is what the media says that family is going to spend, and maybe even more—if you can purchase the United States Government. That is not a bad investment.

That is what Citizens United is about. It is billionaires spending huge amounts of money without disclosure—without disclosure.

I would have gone further than this bill, but this bill is certainly an important step forward. What does it require? It says if someone is going to spend more than $10,000 in a campaign they have to make public who they are. I don't think that is a terribly onerous provision. The American people are not stupid. They understand if somebody is going to spend hundreds of millions of dollars on political activities they want something. That is what it is about.

Why do people make campaign contributions? Many of us get a whole lot of campaign contributions from folks who give us $25, $30, $40. Most of my campaign contributions come from people who give us less than $200. But if somebody is going to spend hundreds of millions of dollars on a campaign, I think the American people have a right to know who that is and what they want; who is taking that money and what those contributors are going to get in return.

If you are a billionaire and you want lower taxes, have the courage to say: Hey, I am a billionaire. I am putting money into a party, and what I am going to get out of it is lower taxes for the rich. If I am somebody in a corporation that is polluting the air and the land and the water, and I want to get rid of those regulations, have the guts to come forward and say: Yeah, that is what I want. I want to eviscerate the EPA. I don't care that children in Vermont or Rhode Island get sick, that is what I want.

So what this is about is fairly elementary. What this is about is simply having those people, those institutions, those corporations and unions that are putting more than $10,000 into the political process reveal who they are.

What concerns me very much about this whole process—and I think concerns the American people—is while our middle class disappears and poverty increases, while the gap between the very wealthy and everybody is growing wider, it appears very clear right now these folks are not content, the top 1 percent is not content with simply owning the economy, with controlling the economy. They now want to control, to an even greater degree than is currently the case, the political process as well. That is what these campaign contributions of hundreds of millions of dollars are about.

When I think back on the history of this country and the enormous sacrifices men and women made defending the American ideal—the ideal that was the vision to the entire world. The entire world looked to the United States for what a strong democracy was about—one person, one vote. In my State of Vermont, we have meetings and people come out—one person, one vote—to discuss the municipal town budget, to discuss the school budget. And now we have evolved to a situation where one family can spend $400 million buying politicians, buying elections. That is a long way away from what democracy is supposed to mean in this country. The DISCLOSE Act is a very important first step forward, and I hope we can get strong support for that important piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I want to follow up a bit on what I said I would do earlier, because this has been in some respects half a debate. Other than my friend Senator MCCAIN who has courageously fought on this issue for some years, we have not heard much from the other side of the aisle here, so in some respects it is only half of a debate. In another respect, of course, it is no debate at all, because we are in a filibuster situation with the Republicans blocking us actually going to the Senate debate on this bill. So while it is debate in the lay sense of the word—it is a discussion—it is not Senate debate on the floor, because we stand here being filibustered with a majority of Senators who demonstrably support going to this bill.

I said I would describe some of the things my Republican colleagues have said in the past about disclosure, so let me begin doing that.

Senator MCCONNELL, of course, has very publicly been in favor of it. That may relate to the fact that a report by the Corporate Reform Coalition went State by State, and the Republican leader's home State of Kentucky has a ban on independent expenditures by corporations in its State constitution. Its State constitution bans the conduct that is at issue here. Kentucky has disclosure provisions that require disclosure when independent expenditures of over $500 are made in any one election. He is here objecting to a $10,000 limit, and Kentucky disclosure provisions ''require disclosure when independent expenditures of over $500 are made in any one election.'' It further requires under Kentucky statute 121.190, subpart 1, that the name of the advertising sponsor must be put on any communication. So consistent with the laws of his home State, our Republican leader has for many years stood out in favor of disclosure. Around 2000 he said, ''Republicans are in favor of disclosure.'' And he said:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Other leaders on the Republican side, such as Senator ALEXANDER, have said:

I support campaign finance reform, but to me that means individual contributions, free speech and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet.

That is exactly what this bill does, but only for donations $10,000 and more. I don't believe there was a floor in Senator ALEXANDER's remarks.

I see the distinguished Senator from Iowa has arrived. In the spirit of going back and forth, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

THE DREAM ACT

Mr. GRASSLEY. Mr. President, last September, President Obama responded to amnesty proponents, denying that he had authority to unilaterally grant special status to individuals who may be eligible under the DREAM Act.

The DREAM Act has been around the Senate for discussion for about a decade, and in different forms. It has been voted down several times by this body—mostly because the leader won't allow for an amendment process to improve the bill; otherwise, it probably could have been worked upon.

A few months ago when asked by amnesty advocates to push the bill through Executive order, President Obama said this:

This notion that somehow I can just change the laws unilaterally is just not true. The fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetrating the notion that somehow, by myself, I can go and do these things. It's just not true. We live in a democracy. You have to pass bills through the legislature, and then I can sign it.

But 1 month ago, President Obama continued his ''we can't wait'' campaign and circumvented Congress, again, to significantly change the law all by himself. On June 15, he announced that the Department of Homeland Security would lay out a process by which immigrants who have come here illegally could apply for relief and remain in the United States without the fear of deportation. So what has changed in the last 9 months, when the President of the United States said last September that he could not unilaterally grant amnesty?

Before I dive into the details of how poorly planned and implemented the directive of June 15 will be, I have to question the legal authority of the President to institute a plan of this magnitude.

I, along with 19 other Senators, sent the President a letter and asked if he consulted with attorneys prior to the June 15 announcement about his legal authority to grant deferred action and work authorizations to a specific class of immigrants who have come here illegally. It is important that we get that question answered, because last September the President said he didn't have the legal authority to do it. We asked the President if he obtained a legal opinion from the Office of Legal Counsel or anyone else within his administration. To date, we have not received any documentation that discusses any authority whatsoever that he has to undertake this massive immigration directive.

I know the Secretary of Homeland Security has discretion to determine who is put in removal proceedings. Prosecutorial discretion has been around for a long time, but it hasn't been abused to this extent. The President is claiming the Secretary will implement this directive using prosecutorial discretion. However, millions of immigrants coming here illegally will be instructed to report to the U.S. Citizenship and Immigration Service and proactively apply. This is not being done on a case-by-case basis as they want to make it appear.

The President's directive is an affront to our system of representative government and the legislative process, and it is an inappropriate use of executive power based upon what he said last September, that he didn't have the authority to do this. The President bypassed Congress because he couldn't lead on immigration reform, and he couldn't work in a bipartisan manner on an issue that involves undocumented young people.

The President's directive runs contrary to the principle that American workers must come before foreign nationals. His policies only increase competition for American students and workers who struggle to find employment in today's economy. And that unemployment is 8.2 percent official, 11 or 12 percent unofficial.

According to the Bureau of Labor Statistics, the unemployment rate among the age group 16 to 24 has been nearly 17 percent for the last year. According to a Gallup poll conducted in April of this year, 32 percent of the 18-to-29-year-olds in the U.S. workforce, if not unemployed, are underemployed.

The President's plan to get people back to work is to grant immigrants who come here illegally a work authorization. He must be seriously out of touch if he doesn't think there is competition already for American workers.

Now I wish to talk about how poorly this directive has been thought out. This is the implementation of a directive the President said he didn't have the authority to do in the first place. But if you are going to have an illegal directive, you ought to at least know it will work. It is my understanding the White House informed Homeland Security officials of this plan just days before it was announced on June 15. They were unprepared, and have since been scrambling to figure out how it will be carried out.

U.S. Citizenship and Immigration Service—the agency in charge of all immigration benefits, including work authorizations, visa applications, asylum petitions, and employment verifications for employers—will be the agency tasked with handling millions of new applications for deferred status and work permits. Agents in the field are confused as to how to do their jobs and fear retaliation if they don't do the right thing. So in essence, this White House is telling agents in the field to begin a practice called catch and release.

Last Friday, Homeland Security officials briefed the Judiciary Committee on the directive. Staff of the Judiciary Committee were told that agents of the agency would be required to release immigrants who come here illegally if they fell into the criteria laid out. But what are the ramifications if an agent does not release them but instead uses his discretion to say the person was not eligible and puts them in removal proceedings?

You will be astounded by the answer we got, because the Department of Homeland Security explained that such an agent would be subject to disciplinary action—disciplinary action if you are doing what your job is required to do. The agent's actions would be considered during their annual personnel review.

So there will be no discretion for agents, and they will be forced to give deferred action to anyone who comes close to the criteria laid out, even despite their hesitation to do so, or face retaliation from bureaucratic higher-ups.

It is as though Homeland Security forgot their mission which is:

To ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive.

Once we overcome the question of legal authority and the reality that there was little thinking put into this plan before it was announced on June 15, we are left to oversee the details of the implementation plan. Homeland Security officials say they will have a process laid out by August 15. We have very little details, but Homeland Security officials did give some insight on Friday in this briefing to members of the Judiciary Committee staff. Here is what we learned.

We know people under the age of 30, who entered before their 16th birthday, have been here for at least 5 years, and are currently in school may qualify for deferred action. We know there are caveats to the criteria. Some criminal offenses will be OK, and young people can finish their education after they are granted deferred action.

We know individuals with final orders of removal will be eligible for deferred action. We know these people will not have to appear for an in-person interview to benefit from this directive of the President of June 15. We know they will be granted this special status for 2 years, and those who are denied will not be put into removal proceedings. We know this is not aimed at

helping just youth since the age limit is 30. So who are we going to help over age 30, because we thought from the President's announcement, if people are over 30 years of age nobody is going to benefit. We know people under the age of 30 are not the only people going to be considered for relief.

Secretary Napolitano said so herself. She told CNN's Wolf Blitzer the following:

> We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action.

I was not born yesterday. This administration is not going to give a benefit to immigrants here illegally and then force his or her parents to leave the country, which begs the question, What will they do if the young people are eligible and receive deferred action, but the parent is a criminal, a gang member, or a sex offender?

Because this program has not been well thought out and because it is being rushed to benefit people by the end of the year, there is no doubt that fraud will be a problem. How will Federal officials who process the applications ensure that information provided by the individual is accurate? How will they verify that one truly entered the country before the age of 16 or is currently under the age of 30?

Homeland Security officials act as though they are prepared to handle the influx of counterfeit documents that will be presented. The department officials are going to rely on their small fraud detection unit—who already happen to be very busy working every day on other types of immigration benefits—to determine if people are truly eligible. What will be the consequences for individuals who intentionally defraud the government? They need a fraud and abuse prevention plan. Without one they will likely legalize every single immigrant who came here illegally, who is already on U.S. soil.

The administration will announce more details about this plan in the next few weeks. I am anxious to see if they plan to only provide deferred action to this population. Department officials refuse to elaborate on whether some of these individuals will be able to get advanced parole. That is a special status that allows an immigrant coming here illegally to adjust to permanent residence and then gain citizenship. This administration wants people to believe this is not amnesty and that these people will not have lawful status, but I am watching to see if they try to pull the wool over our eyes and provide a status that allows these people to adjust and remain here permanently.

Finally, a major flaw in the President's plan is how this is going to be paid for. A massive amnesty program is going to cost a lot of money. So what are the taxpayers going to have to cough up out of their hard-earned dollars to pay for it? Department officials said on Friday that illegal immigrants may not be charged for their special status. The individual would be charged $380 if they choose to apply for a work authorization. They could not assure us that funding would not be redirected from other programs to this initiative.

To reprogram funds within the Department, the Secretary must notify and gain consent of the majority and minority leaders on the Appropriations Committee. However, when pressed, Department officials could not assure us that they would not bypass the longstanding process and reprogram dollars on their own. The U.S. Citizenship and Immigration Service will be forced to concentrate on this program, leaving employers, foreign workers, and legal immigrants without the service they need to work, visit, or remain in the United States.

If the U.S. Citizenship and Immigration Service adjudication staff will be diverted from their normal duties to handle the millions of potential deferred action applications, this can only have a devastating impact on other programs within the Department. I fear this plan will bankrupt the agency that oversees immigration benefits and affect all legal immigration for years to come.

I fear the President has overstepped his authority again. The President, time and again, has shown no leadership or refused to work with Congress on issues that directly impact the American people. And when it comes to the immigration issue he promised the people in the 2008 election, that in his first year in office he would have an immigration bill before Congress, he has not even presented an immigration bill yet. He insisted he was coming here to change Washington, but he changed it for the worse. He insisted he was going to make this the most transparent administration ever, but Congress and the American people are left in the dark.

No matter where one stands on immigration, we should all be appalled at how this plan has been carried out. Whether it is legal or illegal is one thing. But when it is not thoroughly thought out, how it is going to be implemented, that is not how the chief executive of a major operation such as the U.S. Government ought to be acting.

We should all be concerned that our votes are rendered meaningless as a result of the assumption of power on June 15 that the President said last September he did not have. Until we can end this plan, I encourage my colleagues to watch over its implementation for the future of our country. The integrity of our whole immigration system is hanging in the balance.

This immigration system is very important because the United States has opened doors for more people than any other country in the world to come here legally. About 1 million people come here legally. So we are a welcoming nation. We are a nation built upon immigrants bringing new ideas to this country, making this a very not only colorful country but a dynamic society. We ought to leave it that way. But this change to our immigration system for people to come here legally jeopardizes a lot of people who want to abide by our laws and come here and make our country even richer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, which will help put an end to secretive campaign spending and close the glaring campaign finance loopholes that have been opened up by the Citizens United ruling. I thank the Senator from Rhode Island for his tremendous leadership on this critical issue and all his work which has gotten us to this point today on this very important bill.

This Supreme Court ruling was truly a step backwards for our democracy. It overturned decades of campaign finance law and policy, and it allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. The Citizens United ruling has given special interest groups a megaphone that they can use to drown out the voices of citizens in my home State of Washington and across the country. The DISCLOSE Act would return transparency to this process. It would return accountability to this process. It would be a major step to returning citizens' voices to the important election decisions we make in our country.

This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate without a lot of money or wealthy corporate backers. But what I did have was amazing and passionate volunteers who were at my side. They cared deeply about making sure the voices of Washington State's families were represented. They made phone calls, they went door to door with us, they talked to families across our State who wanted more from their government.

We ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. To be honest, I don't think it would have been possible if corporations and special interests had been able to drown out their voices with this unlimited barrage of negative ads against candidates who did not support their interests. That is why I support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns, and no voice is louder than citizens who care about making their State and country a better place to live.

The DISCLOSE Act of 2012 should not be contentious. It simply does what a majority of American people view as a no-brainer. It requires outside groups to divulge their campaign-related fundraising and spending, plain and simple.

It does this by shining a very bright spotlight on the entire process and by strengthening the overall disclosure requirements on groups who are attempting to sway our elections.

Too often corporations and special interest groups are able to hide their spending behind a mask of front organizations because they know voters would be less likely to believe ads if they knew the motives behind their sponsors. For instance, an indication of who is funding many of these shell organizations can be seen in the delayed disclosures of the so-called super PACs. In fact, a Forbes article recently reported that 30 billionaires now are backing Romney's super PAC. It is unknown how much these same billionaires or their corporate interests are already providing to other organizations with even less scrutiny.

The DISCLOSE Act ends all that. Specifically, the act requires any of these front organizations who spend $10,000 or more on a campaign to file a disclosure report with the Federal Election Commission within 24 hours and file a new report for each additional $10,000 or more that is spent. This is a major step in pulling back the curtain on the outlandish and unfair spending practices that are corrupting our Nation's political process. It is a major step toward the kind of open and honest government the American people demand and deserve.

The DISCLOSE Act brings transparency to these shady spending practices and makes sure voters have the information they need so they know who they can trust. It is a commonsense bill. It should not be controversial, and anyone who thinks voters should have a louder voice than special interest groups should be supporting our bill.

This bill aims to protect the very core of our Federal election process. It protects the process by which our citizens fairly assess the people they believe will best come here and be their voice and represent their communities. It exposes the hidden hand of special interests, and it creates an open process for who gets to stand before them as representatives.

I am proud to support this bill and proud of the efforts by Senator WHITEHOUSE and so many others in the Senate. I urge all our colleagues to vote for this bill. Let's move it forward. Let's do what is right for America.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I believe we have a number of speakers who are coming over from the caucus lunch to discuss the upcoming vote on the DISCLOSE Act. I wanted to take the time that is available until a speaker shows up to continue to report the previous support for disclosure from our colleagues and from other Republican officeholders and officials.

I think where I left off in my previous listing was Senator LISA MURKOWSKI, who wants Citizens United reversed and has said:

Super PACs have expanded their role in financing the 2012 campaigns, in large part due to the Citizens United decision that allowed unlimited contributions to the political advocacy organizations.

She said:

However, it is only appropriate that Alaskans and Americans know where the money comes from.

My friend Senator JEFF SESSIONS, a ranking member on the Judiciary Committee, at one point said:

I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

Senator CORNYN said:

I think the system needs more transparency, so people can more easily reach their own conclusions.

Senator COLLINS has been quoted:

Sen. Collins . . . believes that it is important that any future campaign finance laws include strong transparency provisions so the American public knows who is contributing to a candidate's campaign, as well as who is funding communications in support of or in opposition to a political candidate or issue.

That is from the Hill.

Senator SCOTT BROWN has said:

A genuine campaign finance reform effort would include increased transparency, accountability and would provide a level playing field to everyone.

Senator TOM COBURN has said:

So I would not disagree there ought to be transparency in who contributes to the super PACs and it ought to be public knowledge. . . . We ought to have transparency. . . . If legislators were required to disclose all contributions to their campaigns, the public knowledge would naturally restrain legislators from acting out of the current quid pro quo mindset. If you have transparency, you will have accountability.

As I reported earlier today, the Republican Senate support goes to people who have left the Senate as well. I would remark again on the extraordinary editorial written in the New York Times by Senators Hagel and Rudman.

House Speaker Representative BOEHNER has said:

I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raised and how it is spent. And I think sunlight is the best disinfectant.

Representative ERIC CANTOR, the majority whip, I believe, has said:

Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring the confidence of voters.

Newt Gingrich has called for reporting every single night on the Internet when people make political donations.

Mitt Romney has said that it is ''an enormous, gaping loophole . . . if you form a 527 or 501(c)(4) you don't have to disclose who the donors are.''

Well, this is a chance for our colleagues to close that enormous, gaping loophole their Presidential nominee has pointed out.

One of my favorite comments is by Mike Huckabee. Mike Huckabee said:

I wish that every person who gives any money [to fund an ad] that mentions any candidate by name would have to put their name on it and be held responsible and accountable for it. And it's killing any sense of civility in politics because of the cheap shots that can be made from the trees by snipers that you never can identify.

The cheap shots that can be made from the trees by snipers that you never can identify. Let me give an example of that.

I am going to read parts of an article from this morning's New York Times.

In early 2010, a new organization called the Commission on Hope, Growth and Opportunity—

With a name like that, you know it has to be bad in this environment—

filed for nonprofit, tax-exempt status, telling the Internal Revenue Service it was not going to spend any money on campaigns.

Weeks later, tax-exempt status in hand as well as a single $4 million donation from an anonymous benefactor, the group kicked off a multimillion-dollar campaign against 11 Democratic candidates, declining to report any of its political spending to the Federal Election Commission, maintaining to the I.R.S. that it did not do any political spending at all, and failing to register as a political committee required to disclose the names of its donors. Then, faced with multiple election commission and I.R.S. complaints, the group went out of business.

The editorial continues:

''C.H.G.O.'s story is a tutorial on how to break campaign finance law, impact elections, and disappear—the political equivalent of a hit and run,'' Citizens for Responsibility and Ethics . . . wrote in a new report.

A cheap shot from the trees by a sniper you can never identify, and to this day no one has ever identified the $4 million donor.

I see the Senator from New Jersey. I am delighted to yield to him so he can make his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, yesterday we witnessed quite a sight. Not a single Republican was willing to stand up to oppose secret money and elections. Today they will have another chance to announce their support and tell their constituents whether they would prefer that secret money buys the politicians or does it take their constituents' votes to get people in place who care about where this country is going.

Republicans will have a chance to show Americans where they stand: with millions of individual voters or the few billionaires who seek to drown out the voices of our citizens by using secret money.

Yesterday, I came to the floor to present the identities of two of the biggest supporters of secret money in politics, David and Charles Koch. They are joined by somebody we read about yesterday in the papers and heard on the news by the name of Sheldon Adelson, whose brain money was earned from Chinese gamblers in Macau to buy American politicians. That is some deal.

The Koch brothers are putting together a secret group of wealthy friends who will spend $400 million to manipulate the upcoming election. This effort is one of the egregious examples of the flood of big, secret money into our politics, and this unaccountable money is spent with a clear goal of determining our laws and deciding our elections and the policies this country will follow in the future. The Koch brothers are set on picking their preferred politicians. Too bad that with a country of over 300 million people these two fellows want to decide who should run this country of ours.

Koch Industries controls oil and chemical companies that do business around the globe. So what do the Koch brothers and their anonymous friends want from politicians who benefit from their secret money? They want laws that benefit the companies like the ones they own even when those laws come at the expense of millions of other Americans. I think the reason is clear. They want people in office who will put their special interests above the public interest.

These brothers run Koch Industries, which is a giant international conglomerate and one of the largest privately held companies in the world.

The Kochs' secret money organization, Americans for Prosperity, has opposed EPA's new mercury pollution standards. These historic standards will prevent 130,000 asthma attacks, 4,700 heart attacks, and up to 11,000 premature deaths. Americans for Prosperity, funded by secret money, opposed the rule that will save these lives. They would rather have the money. We know what millions of people who live near powerplants want. They want the plants to clean up their acts and stop poisoning them and their neighbors.

The Kochs and industry lobbyists argue that these standards just cost too much. What is the value of a life to these guys? Let them answer the question publicly. Turn in the secret money and let the people across our country decide who they want in the Senate, the House, and the White House.

How much poorer is our society when children are born with developmental problems? A child born with pollution in their body is set back from day one. That child's potential is stunted before they have even taken their first breath.

Polluters just ignore the costs to American families. They think their right to pollute is more important than the average person. The children in our country have the right to breathe. It is foul play if we have ever seen it. Put your money up, take fresh air away from young people, and create problems that mercury in our environment does.

Secret money in politics makes it possible for polluting companies to spend millions of dollars influencing elections, and the American public is kept in the dark. So I say to my Republican colleagues: Let your conscience rule your decision. Let's tell the truth.

I wish the vote could say: Yes, I want secret money to continue being sent. They dare us to use that language. Come on. There are good people over there. Let's shine some light on who is pulling the strings in this country. Is it the people or is it the money that makes the difference in the way this society functions?

I yield the floor.

Mr. SESSIONS. Mr. President, I would like to be notified when I have used 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I understand we will have a set vote on the DISCLOSE Act. It got 51 votes previously. We need 60 votes to move forward to pass this bill. It is not likely to happen. Our Democratic colleagues were down here last night into the midnight hour talking about the DISCLOSE Act, which is something that is political and campaign-related that we have a significant difference of opinion about, and it is not going to pass.

I would like to ask my friends and colleagues what is it we ought to be disclosing? Is it the amount of money some individual American made honestly and spent or maybe there are some other issues we ought to disclose. I would say this Senate ought to disclose to the American people what its budget plan is for the future of this country. We haven't had a budget in 3 years. Senator REID said it would be foolish to bring up a budget—foolish because we don't have time. We had time to spend all night last night debating this bill—or half the night—and we are having a second vote on the same bill again today. Why don't we spend some of that time on something important such as dealing with our $16 billion debt. Why don't our Democratic leaders disclose to us what their plan is to deal with this surging debt, a debt that is increasing at $1.3 trillion a year. It is unsustainable, as every estimate we have ever been told and every witness has testified to before the Budget Committee and other committees—unsustainable. Yet they refuse to even lay out a plan for how we are going to confront that.

The House has. They laid out a historic plan. Congressman RYAN and his team and the House has passed a long-term budget plan that will alter the debt course of America and put us on a responsible path—not so in the Senate, even though they talked about it in secret amongst themselves that they had a plan. Let's disclose it. Why don't we have a disclosure of it.

October 1 is coming up pretty fast, particularly since we are going to be in recess virtually the entire month of August and it looks like the entire month of October. By October 1, the Congress has a duty and a responsibility to pass legislation that funds the government because the new government fiscal year begins October 1. Senator REID just announced he is not going to produce a single appropriations bill. When I first came here, we tried to pass all 13 every year, before October 1, when the year starts. We are not even going to attempt it.

I think the American people ought to ask: What do you plan to spend your money on next year? The country is suffering substantially. Why don't you disclose, Senator REID, what the appropriations bills are going to be, how much money you are going to spend on each one of the items, and subitems and subitems and subitems, so we can examine it, bring it up on the floor, and offer amendments, as the Senate is supposed to operate. Why don't you disclose that? Isn't that important for America?

I have to say, since I have been here, this will be the least performing, most disappointing year of the Senate in our history. No budget, no attempt to bring up a budget, no appropriations. Those are the bread-and-butter requirements of any Senator.

Food stamps, the SNAP program. In 2000, we were spending about $17 billion on the food stamp program. Last year, we spent $79 billion. It has gone up repeatedly. It is out of control. It needs to be managed. It needs to be focusing more on helping people in need, not just subsidizing people in need—helping them move forward to independence and responsibility. Why don't my colleagues disclose a plan for that? Isn't that important to America? I think it is.

There are a lot of other things that ought to be on the table.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SESSIONS. I thank the Chair.

There are a lot of other things on the table we need to be dealing with and talking about and being honest about. It is time to disclose what our financial plans for the future are. It is time to disclose what we are going to do about this debt, what we are going to do about wasteful spending. It is not being done. It is a disappointing year.

I thank the Chair and yield is floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, lest we get totally off track and before the Senator from Alabama leaves the Chamber, I wish to thank

him and congratulate him. The system works when Democrats and Republicans come together. The Senator from Alabama and I have worked on many issues together, including the Nation's national security. Just recently, the Senate showed how it can work together on the RESTORE Act in the Gulf of Mexico when we added a provision directing the fine money to be imposed by a judge in New Orleans and redirected that fine money to come back to the people and the environment and the critters of the gulf. That passed in this Chamber 76 to 22—a huge bipartisan vote.

I have had the privilege of working with the Senator from Alabama on many other issues, including the times the two of us led the Strategic Subcommittee of the Armed Services Committee on some of the Nation's most significant things, such as our overall strategic umbrella protecting this country. There again, it was Democrats and Republicans working together.

So to hear a lot of the rhetoric, someone outside the Senate would think we are totally in gridlock. That has not been the case. However, we come to a point of gridlock again because of the Senate rules requiring 60 votes to shut off debate so we can go to this bill called the DISCLOSE Act.

What the DISCLOSE Act does is common sense. It is common sense to say, if someone is going to affect the political system by giving money to influence the votes at the end of the day in an election year, all the campaign laws say they have to disclose that money, and but for a 5-to-4 Supreme Court decision—which is contorted at best and is way over the edge at the very least—its ruling says that because of freedom of speech, outside the political system, one can make advertisements, one can speak freely; in other words, by spending money, buying ads, and one does not have to disclose that. Oh, by the way, that whereas the campaign finance law prohibits in Federal elections corporations from donating, this contorted Supreme Court decision says that can be corporate money and it doesn't have to be disclosed.

That is what we are seeing in abundance in that kind of political speech right now in all these attack ads, and these attack ads are going rapid fire. We look at who it is sponsored by. It is not sponsored by the candidate; it is sponsored by some organization that has a high-sounding name, but we don't know where the money is coming from.

This piece of legislation in front of us yesterday got 53 votes, and we need 7 more votes to cut off the debate just to go to the bill. This vote is coming at 3 o'clock. We are not going to get it. It is going to be the same result—53 to 47. Why? Because these outside, unlimited sources of funds that are not disclosed are affecting elections and they are achieving the result and we know it. If we put enough money into TV advertising, one can sell a box of soap, whatever the brand is. That is the whole theory behind this. The undisclosed donors giving unlimited sums elect whom they want, and that is going to completely distort the political system.

We start from a basis of old Socratic ideas, going back to Socrates; that in the free marketplace of ideas, the crosscurrents of those ideas being discussed, that out of it truth will emerge and the best course of action will emerge. It is upon those ideals that this country was founded; this country, wanting a representative body such as this to come forth and freely and openly discuss the ideas and hammer out policy. Yet what we are seeing is that in bringing those elected officials here, by electing them by overwhelming advertising from unlimited sources, those elected representatives will be beholden to those particular sources and will not have an independence of judgment, will not have the Socratic ability in the free marketplace of ideas to hammer out the differences of ideas and achieve consensus in order to determine the direction of the country. So the very underpinnings of the country are at stake.

Why is this being fought—something that ought to be like a motherhood bill. One is for disclosure of those giving money to influence the political system, just like all the Federal candidates have to disclose; and, oh, by the way, are limited in the amounts of contributions to each candidate. What is such common sense is being thwarted. If this legislation were to pass and they had to disclose who is giving the money, do we know what: Most of them would stop giving it, and they would have to operate under the normal campaign finance laws which say to report every dime of a contribution and they are limited as to the amount they can give and the candidate is limited as to the amount they can receive. That is fair, but it is more than fair. It is absolutely essential to the functioning of the electoral system in order to elect a representative democracy.

That is what is at stake, and that is what we are going to vote on again. Unfortunately, we know what the outcome of the vote is going to be: 53 in favor of disclosing and 47 against, and we are not going to know who is giving all this money.

I can't say it any better. It is old country boy wisdom that says this ought to be as easy as night and day, understanding the difference. Yet that is what we are facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I have not taken an opportunity to speak to the DISCLOSE Act, which is currently before us, or the holding of Citizens United. I haven't come to the floor to address that, but that does not mean this has not been a discussion of great importance in the State of Alaska.

Alaskans are a pretty independent lot. I think they like to know what is behind certain initiatives, certainly when it comes to the financing of campaigns. They want to know where and when and how and why and that it is appropriate. Our State legislature has enacted some campaign finance reforms that I think have been good. Alaskans have looked very critically at the Citizens United decision and its impact on the campaigns in this country.

I have made no secret of the fact that I disagree with the holdings of the Citizens United decision which makes it possible for individuals and business entities to make contributions in any amount, at any time to independent efforts to elect candidates at the Federal, State, and local levels.

I think this decision not only overturned longstanding Federal law, it also, to a certain extent, displaced State laws, including the laws in my own State of Alaska which barred corporate participation in State elections. It gave birth to a new form of political entity. We all know it; we are all talking about it now, particularly with the Presidential election—the super PAC, a vehicle for large donors. When we are talking about large donors, we are not just talking about donors who can put forth thousands of dollars. We are talking about donors who put forth multimillions of dollars, and it is done to influence the American political process in secret by contributing to organizations with very patriotic names, but they lurk behind post office boxes. There is an anonymity, there is a covering that I do not think the American public expects or respects.

I believe strongly—I believe very strongly—that the Citizens United decision is corrosive to democracy. At a very minimum the American people deserve to know who is behind the organizations, who is funding them, and what their real agendas are.

I think if we were to ask the average American out on the street: Do you think it is reasonable that there be disclosure, full disclosure of where the campaign dollars are coming from, I think the average American would say: Yes. I know the average Alaskan is saying yes.

So when they see what this Supreme Court case has allowed—courts have determined this is constitutional—I do not think anybody assumed what it would lead to is an ability for an individual to give millions of dollars to influence an election, and yet not be subject to a level of disclosure that is fair and balanced.

I came to the floor very late last night after flying in from Alaska. I left at 7 o'clock in the morning, and my plane touched down at about 10:15 last night. As I landed, I saw the lights of the Capitol on. I knew somebody was still home. The flag that flies on the Senate side of the Capitol was still up, meaning the Senate was still in session, so I decided to come to the floor and see what was going on and to perhaps listen to a little bit of the debate.

I was tired. I was tired from flying. But I was truly tired that as a body,

when we have an issue that is important, is significant—whether it is campaign finance or the tax issues we face, whether it is the sequestration issue we will shortly be facing—we are once again in a position where we are doing nothing but messaging. I am so tired of messaging, and I think the folks whom we represent are tired of us messaging.

I want us to have some reforms when it comes to campaign finance and the disclosure that the American public thinks makes sense, where they say: Good. This is not something where you are hiding behind an organization, whether it is a 501(c)(4) or a 501(c)(3) or a super PAC, or however we define it. We want to know that you are open and you are transparent.

I did not stay too late last night to listen to the debates. But I will tell you that the comments I heard from my colleagues were pretty sound. For the life of me, I cannot fathom why it is appropriate that the name, the address, the occupation of an individual who makes a contribution of between $200 and $5,000 to LISA MURKOWSKI's committee must be disclosed—that is what is required under the law. But somehow or other there is a constitutional right for someone who gives $1 million, $15 million to an independent effort that either supports or opposes an election can do so in secrecy. They can do so in a way that is not subject to disclosure. I do not think that makes sense, and I do not think it would make sense to anybody else out there on the street. What is the difference?

But I would also suggest to you the converse is true as well. I do not believe the membership lists—whether it is the Sierra Club or the National Rifle Association or the NAACP—I do not think those lists need to be public because an organization has made a relatively small donation from its treasury funds to independent efforts. Those who chose to affiliate with broad-based membership organizations deserve to have their privacy interests maintained. So you have things going on both sides here.

Again, what we should be doing in this case is trying to figure out where there is a balance. Where is that fairness? Given that a $2,500 contribution to me as a candidate—the maximum that can be given to any candidate for any election—has to be disclosed, I do not understand why the bill that is before us, the DISCLOSE Act 3.0, sets the bar for disclosure of a contribution to an independent effort at $10,000. That does not make sense to me either.

So I guess where I am at this point in time—recognizing that in a matter of minutes we are going to have yet another vote on DISCLOSE under reconsideration—I do think that all these issues need to be addressed in a DISCLOSE 4.0. Maybe we will move to that in the next iteration, but that is not going to be happening here. Yesterday's vote was decisive. As I mentioned, I was flying all day. I was not here at 6 o'clock when that vote was taken. But that vote was pretty clear. There is no way we can reconfigure things, even with the support of LISA MURKOWSKI, so that we could actually get to this bill and start making those changes.

So we are sitting here at a point where we have precious little time before us before we break for August and then come back. We have the campaigns. We have a lot on our plate. I think we recognize that. Saying that, I have already said I think this is a critically important issue. But it is an issue we will not resolve today. It is not possible to resolve today. So we should accept that fact and move forward. We have a lot to do.

What I intend to do is to continue the work I began months ago with colleagues on the other side of the aisle to work to resolve some of these issues, to work on a bipartisan basis on a bill that I hope we can take up as a body. There are Senators who want to work on this. I have met with them and we continue to try to figure out that path forward. But that path forward has to be a bipartisan path. It has to be a bipartisan path.

I hope we can put some kind of a vehicle to hearings and consider it on the floor with an open amendment process, the way we can and should do things around here. That is what I strive to do. That is my commitment. I want to work with my colleague from Rhode Island. I want to work with my colleagues from Colorado and Oregon and New York and my colleagues on the Republican side of the aisle. I think we all recognize this is in the best interests of not only those of us in the Senate but for those we represent—that there is a level of transparency, openness, fairness, and balance when it comes to campaign finance. That is my commitment.

With that, I know I have probably consumed more than my time. But I appreciate the opportunity to work seriously and genuinely with my colleagues on this issue.

Mr. CORNYN. Mr. President, today the Senate will vote on cloture on the motion to proceed to S. 3369, the so-called DISCLOSE Act. Because the bill is designed to protect entrenched Washington special interests from ordinary Americans who want to exercise their first amendment rights, I will oppose cloture.

Regulation of speech always raises significant constitutional questions. The first amendment is a cornerstone of our democracy, and the DISCLOSE Act would fundamentally remake the rules governing free speech in American elections. It is intended not to promote transparent, accountable, and fair campaigns, but rather to tilt the playing field in favor of the Democratic Party and its constituencies.

Indeed, one of the chief sponsors of this legislation, Senator CHARLES SCHUMER, has admitted that his goal is to deter certain Americans from participating in the electoral process. The DISCLOSE Act will make many businesses and organizations ''think twice'' before engaging in political speech, Senator SCHUMER said in 2010. ''The deterrent effect should not be underestimated.''

In essence, the Democrats have concocted a bill that would silence their critics while letting their special interest allies speak. Nearly every major provision of the DISCLOSE Act was designed to encourage speech that helps the Democratic Party and discourage speech that hurts it. For example, the legislation favors unions over businesses, which belies the notion that it was crafted to prevent conflicts of interest.

If the true purpose of this bill were to promote transparency and minimize the influence of political money on government, then unions would face the same restrictions as businesses. But the true purpose of the bill is to help Democrats win elections, and unions overwhelmingly support Democrats, so they are given preferential treatment.

It is not the government's job to apportion first amendment rights among Americans. Those rights belong to every citizen, period. I reject any further erosion of a constitutional liberty that has preserved and strengthened our democracy for 223 years.

I oppose the DISCLOSE Act and urge my colleagues to oppose this afternoon's cloture motion.

Mrs. BOXER. Mr. President, I rise in strong support of the DISCLOSE Act.

It is important for Americans to know where the money is coming from that supports the political ads appearing on their television screens during election season.

This bill is a much needed response to the Supreme Court's decision in Citizens United—a decision that is resulting in corporate money drowning out the voices of ordinary citizens.

In Citizens United, the Supreme Court overruled decades of legal precedent when it decided that corporations cannot be restricted from spending unlimited amounts in Federal elections.

The decision was astounding, not just because it was a display of judicial activism but also because it defies common sense for the Supreme Court to conclude that corporations or even labor organizations are citizens, as you or I am, in the eyes of the law.

As Justice John Paul Stevens wrote in his dissent, ''corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of 'We the People' by whom and for whom our Constitution was established.''

In the aftermath of the Citizens United decision, special interest groups known as super PACs with innocuous names like ''American Crossroads'' and ''Restore our Future'' are primed to spend hundreds of millions of dollars in the 2012 election.

According to OpenSecrets.org, Super PACs have raised $246 million in secret

money so far in the 2012 election cycle—and we still have 113 days until the election during which that total may double or even triple.

The New York Times recently reported that secret groups have accounted for two-thirds of all political advertising spending this year.

Unlike funds given directly to candidates and political parties, which get reported to the Federal Election Commission and are available for the public to review, funds given to super PACs are secret, leaving voters with no knowledge of who is behind attack ads against political candidates.

Right now the rules require that individuals who give $200 or more to a candidate must submit detailed information about their identity, their address, and their occupation. But Citizens United says that if you give $2,000, $2 million, or $20 million to a super PAC, you don't have to disclose a thing.

Former member of the Federal Election Commission Trevor Potter said individuals ''can still give the maximum $2,500 directly to the campaign—and then turn around and give $25 million to the Super PAC.''

At a minimum, voters in a democracy deserve to know who is financially supporting candidates for public office.

Editorial boards in California and across the country recognize that disclosure and transparency are essential for the integrity of our democratic system.

The Sacramento Bee writes that ''reasonable people can disagree on whether corporations should be able to donate to campaigns, or whether the size of donations should be capped. But there should be no debate about whether donations should be open and readily accessible to the public.''

The Los Angeles Times writes that ''there is no cogent argument against maximum disclosure. Nor is there any First Amendment argument for secrecy . . . If those who seek to influence elections don't have the courage of their convictions, Congress must act to identify them.''

The San Jose Mercury News writes that ''since the Supreme Court made it all but impossible to regulate corporate influence on campaigns, the only thing left is requiring swift and thorough disclosure.''

And that is exactly what the DISCLOSE Act does.

It requires super PACs, corporations, and labor organizations that spend $10,000 or more for campaign purposes to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure. The organization must also disclose the sources of all donations it receives in excess of $10,000. The disclosure must also include a certification that organization's spending is in no way coordinated with a candidate's campaign. These are carefully targeted reforms to ensure that the American people are informed during the electoral process.

Outside spending on our elections has gotten out of control in the post-Citizens United world created by the Supreme Court.

Sheldon Adelson, a casino magnate, who gave $20 million to a super PAC to prop up the Presidential campaign of Newt Gingrich, told Forbes Magazine: ''I'm against very wealthy people attempting to or influencing elections, but as long as it's doable, I'm going to do it.''

A super PAC affiliated with House Republican majority leader ERIC CANTOR raised $5.3 million in the third quarter this year. Adelson is responsible for providing $5 million of the total.

The super PAC affiliated with Mitt Romney, ''Restore our Future,'' has raised $61 million so far. Most of this money came from just a handful of individuals.

During the 2012 Florida GOP Presidential primary, Romney super PACs ran 12,000 ads in that state alone.

A New York Times analysis of donations to Romney super PACs found sizeable amounts from companies with just a post office box as a headquarters, and no known employees.

A USA Today analysis of GOP super PACs through February 2012 found that $1 out of every $4 donated to these Super PACs was given by five individuals.

A US PIRG/Demos study found that 96 percent of super PAC contributions were at least $10,000 in size, quadruple the $2,500 donation limit individuals are allowed to give specific candidates.

The Center for Responsive Politics found that the top 100 individual super PAC donors make up only 4 percent of the total contributors to super PACs, but they account for more than 80 percent of the total money raised.

According to Politico, the Koch Brothers and their companies plan to spend $400 million on the 2012 election, which would be more than Senator JOHN MCCAIN raised during his entire 2008 run for President.

A super PAC called ''Spirit of Democracy America'' spent $160,000 in support of a primary candidate in California's 8th Congressional District. The super PAC has no Web site and provided no details prior to the primary election to voters in the district about who was behind their expenditures. The super PAC accounted for 64 percent of all the outside money spent on the race.

A 21-year-old Texas college student used a multimillion dollar inheritance from his grandfather to spend more than $500,000 on television ads and direct mail in a Kentucky congressional election, helping his handpicked candidate win the primary in an upset.

The American people are tired of these stories, and they are tired of big money in politics.

Overwhelmingly, and on a bipartisan basis, they support disclosure laws and contribution limits.

Because of the massive influence super PACs are having on elections, earlier this month the USA Today issued a frightening prediction about this fall's election.

They write that ''the inevitable result is that come November, voters in many closely contested races will make their decisions based on a late flood of ads of dubious credibility paid for by people whose names and motives are unknown.''

The American people deserve to have a government that is always of the people, by the people, and for the people.

The DISCLOSE Act will help restore the voice of the people.

I urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I rise today to speak in strong support of S. 3369, the Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act. I am proud to join 39 of my colleagues in sponsoring this measure and urge the Senate to act now to pass this transparent, commonsense piece of legislation.

Free, fair, and open elections, as well as an informed electorate, are fundamental to ensuring that our government reflects the highest principles of democracy, which is the foundation of this country.

What is at stake today is nothing short of our electoral system. We must reinforce the right of Americans to make fully informed decisions about the political candidates and parties that seek to represent them in government.

More than 2 years ago, the Supreme Court's 5-to-4 decision in Citizens United set the stage for the emergence of super political action committees, PACs, primarily underwritten by wealthy individuals to finance unregulated and often anonymous attack political campaign advertising. This decision effectively puts our elected positions up for sale to moneyed interests.

The DISCLOSE Act would address problems caused by the Citizens United decision by restoring accountability and transparency to our electoral system. It would simply require labor unions, traditional PACs, super PACs, and other covered organizations that spend $10,000 or more on political campaigns to identify themselves by filing a timely report with the Federal Elections Commission.

Opponents of the DISCLOSE Act claim that this bill would impede free speech and discourage political involvement. I cannot disagree more. To the contrary, the DISCLOSE Act preserves the right to express one's opinions and ideas through contributions to political campaigns; it only forces large contributors to identify themselves when making influential contributions. Furthermore, it promotes civic involvement by empowering voters to effectively participate in the electoral process and make informed choices about their leaders.

We are all here to represent the voters in our States and districts who have entrusted us to represent them. In

our system of checks and balances, elected officials remain beholden to their constituents through elections; however, to allow this system to work, voters need to have all of the essential information that could influence their decision: who we are, who our supporters are, and how much support we have received from various sources.

No democracy, including this one, can remain fair, successful, and viable if wealthy individuals are allowed to spend unchecked sums of money to anonymously influence the outcomes of its elections.

I urge my colleagues to do what is right for all Americans today and pass this important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from New York.

Mr. SCHUMER. First, Mr. President, I ask unanimous consent that I be given 4 minutes, the Senator from Rhode Island be given 6 minutes to conclude, and we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. First, I would just like to make one preliminary comment, and then I would like to address what my colleague from Alaska has said and this bill.

FISCAL POLICY

On another issue, I just heard that Vice President Cheney came to address the Republican caucus on our fiscal cliff. I would suggest that the man who said deficits do not matter is not a very good teacher for the Republican caucus when it comes to deficit reduction and the fiscal cliff. They could get better teachers than that.

As for this issue, first, I wish to thank my colleague from Alaska for her heartfelt comments. She is what we need, somebody who cares about this issue, somebody who has great reach across the aisle, and somebody who is willing to work with us.

It is true, it is obvious we will not have the votes to win the DISCLOSE Act. It is simple disclosure. We tried to make it—under the leadership of Senator WHITEHOUSE; I will address that in 1 minute—we tried to make it as narrow as possible. We tried to deal with all the objections we heard about labor unions and others. That is why there is a $10,000 amount—far beyond the labor union dues of any union I am aware of. We tried to make it as down the middle as possible for simple disclosure.

But I understand where my colleague from Alaska is coming from. I respect it, and I look forward to working with her. She might be the bridge we need because, mark my words, if we do not do something about this, we will not have the Republic we know in 5 years. It is that simple. This great country we all love has been dramatically changed by Citizens United. The failure to correct its huge deficiencies, to have such a small number of people have such a huge influence on our body politic—we have never seen it before. Oh, yes, we have read about our history, and we know there were small groups that were powerful in the past, the robber barons, et cetera. But never, never, never have a handful of people had such awesome tools to influence our political system in a way they choose without any accountability—never.

The robber barons were more accountable and more diffuse. The small group that led America, supposedly, in the 1920s was more accountable and more diffuse. The military industrial complex that President Eisenhower warned about was far broader and more diffuse. To have a small number of people—most of them angry people, most of them people who do not even give any attention to someone who does not agree with them—to give them such awesome power, which is the power to run negative political ads over and over and have no accountability as to who is running them, that is a true danger to the Republic.

It befuddles me that our U.S. Supreme Court does not see it. We want our courts to be insulated from the vicissitudes of politics. But to have a Court that is so insulated that it does not see, smell, hear, touch what is going on in this Republic does not speak well of that Court. I think it is the main reason its popularity has declined. I hope our Justices will wake and realize what they are doing.

I would say again—first, I wish to thank Senator WHITEHOUSE. He has been a great leader on this issue. I wish to thank all my colleagues. We have been debating this bill for 10 hours—more than 10 hours, I believe—and there has not been one quorum call, which means there has been speaking time from about 6 last night until 1 in the morning——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, at least—at least—10 Republican Senators are on record supporting transparency and disclosure in election spending. Some of them are very significant leaders on the Republican side.

Senator MITCH MCCONNELL said this:

I think disclosure is the best disinfectant.

Senator JOHN CORNYN, head of the Republican campaign operation, said this:

I think the system needs more transparency so people can more easily reach their own conclusions.

Other Senators, colleagues, and friends come from States that require disclosure in election spending. The States they represent know this is wrong. The arguments against this bill are few. Some of those arguments are false. Others don't hold water. Huge majorities of Americans—Republicans, Democrats, and Independents—support cleaning up this mess.

More than 700,000 Americans signed up as citizen cosponsors of this bill in the last few days. The actual number, I believe, is 721,000. But then that ran up against this: outside political spending that went from 1 percent to 44 percent, not disclosed in the last election. And these secret groups, such as Crossroads, with $76.8 million, and the majority of the money that they spend is secret money—that has changed the debate. But those who are out of the need for that secret money, such as former Republican Senators Rudman and Hagel, are clear:

A bill is being debated this week in the Senate, called the DISCLOSE Act of 2012. This bill is a well-researched, well-conceived solution to this insufferable situation. We believe every Senator should embrace the DISCLOSE Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats.

Most important, it is good for the American people. I urge my colleagues on the Republican side to follow the example of their former colleagues Senator Rudman and Senator Hagel; and I pledge to Senator MURKOWSKI that we take her comments very seriously. She has cast a sliver of daylight. I intend to pursue that sliver ardently to work through this problem.

I will conclude by also complimenting Senator MCCAIN. He believes there is a benefit for unions in here that I do not see, which I disagree exists. But certainly he has a record of courage and determination on campaign finance that entitles his judgment to our respect. I look forward to working with both of them.

I yield back our time.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3369 is agreed to. The motion to reconsider is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs, and other entities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Brown (MA)	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

NOT VOTING—2

Kirk	Shelby

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion upon reconsideration is rejected.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

BRING JOBS HOME ACT—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 442, S. 3364.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 442 (S. 3364), a bill to provide an incentive for businesses to bring jobs back to America.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk in reference to this legislation.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 442, S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Harry Reid, Debbie Stabenow, Sheldon Whitehouse, Al Franken, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, John D. Rockefeller IV.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, once again I am disappointed, as I think most people in this country are, on an issue as timely as this, outsourcing jobs, that we once again are being stymied on moving to that legislation. We are going to have a vote. The rules are we cannot have a vote on this until 2 days go by, so that is a vote on Thursday. If cloture is invoked on that, then we are only on the bill, and then to get off of it would take another series of days. I think to get final action on this is going to take a week.

It is so unfortunate that we have to go through this. We have gone through this so many times. There is, I repeat, not an issue more timely than this—outsourcing jobs. Whether it is the Olympic uniforms or the many other jobs that have been lost around the country, the American people are tired of it, but I think it is unfortunate the Republicans are stopping us from being able to start legislating on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to support the motion we have before us to begin consideration of my bill, the Bring Jobs Home Act. I thank my leader for making this a priority and thank the President of the United States for also making this a priority as we move forward.

Let me start on process, to say it is true, of course, as the leader indicated, we could be simply on this bill and working to complete it and pass it. But unfortunately, as happens on everything now, when the leader attempts to move to a bill, there is an objection to that. When there is, it puts us into a situation where we have to spend several days trying to overcome a potential filibuster to be able to move to the bill. So, process-wise, that is where we are.

From a substance standpoint it is absolutely critical that we move to this bill and that we pass it. The great recession and the financial collapse of 2008 were absolutely devastating to our economy. We know that during that time, 8 million Americans lost their jobs and many are still struggling to get out of their own deficit hole because of what happened. These are people who worked all their lives and played by the rules, only to have the rug pulled out from under them.

Many of these people were folks who worked in manufacturing, many in my great State of Michigan. We are so proud that we make things in Michigan. We do not have a middle class, we do not have an economy unless we make things. That is what we do in Michigan. For decades, this has been the foundation of our economy. Frankly, it created the middle class of our country and we are proud it started in Michigan with the beginning of the automobile industry.

It is no coincidence that as those jobs have disappeared over the decades, the middle class has begun to disappear as well and families are in more and more difficult situations personally as a result of that. Those jobs have been the driving force of our economy for decades, as I indicated. Those jobs are the jobs that allowed the ''greatest generation'' to build the greatest economy in the world, the greatest economy we have ever seen. Those jobs led to tree-lined streets with at least one car in every driveway, and the freedom to raise a family and send them to college and maybe have the cottage up north and be able to take the family on vacation and have the American dream.

Today in fact that dream is in jeopardy and every American family knows that. But it does not have to be that way. In the last decade, companies shipped 2.4 million jobs overseas. To add insult to injury, American taxpayers were asked to help foot the bill.

It is amazing. When I explain that to folks in Michigan, they say you have to be kidding—or they say other things I cannot repeat on the floor of the Senate. Just imagine if you are one of those workers in Michigan or in Virginia or in Ohio or in Wisconsin or anywhere in this country who maybe was forced to train your overseas replacement before you were laid off. Imagine what your reaction would be—more colorful than I have been able to state here. When an American worker is asked to subsidize the moving expenses, as they do today under current

tax policy—the moving expenses and costs so their own job can be shipped overseas—there is something seriously wrong with our Tax Code and with our priorities.

It does not have to be that way. In fact, we can change that. We can change that this week on the floor of the Senate by passing the Bring Jobs Home Act and sending it to the House and then sending it to the President where I know he will enthusiastically and immediately sign it.

Instead of rewarding companies for shipping jobs overseas, we want to reward companies for bringing jobs home. That is the whole point of this bill. We stop the tax deduction for moving expenses related to moving jobs overseas. That is what this bill does. Right now you can deduct those expenses as part of your business expenses. We say: No more. Second, we say: However, if you want to come home, we will happily give you that deduction for the costs of moving back to the United States and we will add an additional 20 percent tax credit for those costs of bringing jobs back to the United States. That is what we are doing in the Bring Jobs Home Act.

This is common sense. Unfortunately it is not that common these days, but it is common sense and it is good economic sense as well. It is so important that we pass this bill. We talk about tax reform. We talk about having a lot of tax loopholes. This is one we can eliminate right now, together, on a bipartisan basis. Let's start here, the No. 1 loophole, we will close it; No. 1 priority, jobs in America.

I know some of my colleagues do not believe these jobs are ever coming back. I hear that all the time. We in Michigan have been seeing that same defeatist argument for 20 years. But in fact that is not true. One of the things I am proudest of in the last 3½ years is that we have refocused on advanced manufacturing, making things in America, in this country. We have a lot more to do but we have in fact refocused on jobs here at home and we are seeing, because of that, a whole range of policies—whether it is the advanced manufacturing tax cut I offered in the Recovery Act, that allows a 30-percent writeoff for clean energy manufacturing jobs, or whether it is the retooling loans we put in place to be able to help retool plants to be able to modernize in the name of advanced manufacturing. It is bringing jobs back.

We put in place some initial actions that are making a difference and we are now seeing every month that manufacturing is having an uptick. It has been one of the only areas where pretty much every month we have begun to see a slow return. We are beginning to see some of these jobs come back as a result. Our companies are doing the calculations, finding out that bringing jobs home makes good business sense. It is time our Tax Code stops standing in the way and actually has caught up with what many businesses are doing.

Ford Motor Company brought jobs back from Mexico to support advanced vehicle manufacturing at their newly retooled Wayne Assembly Plant in Wayne, MI. Chrysler is growing and expanding their operations here in the United States, investing—95 percent I believe is the last number which I heard of their investments are being done in America. We are proud to have them investing in Detroit and in Michigan. Last week we saw a report that GM is about to go on a ''hiring binge.'' I love this, I love anything called a hiring binge, as they bring almost all of their information technology needs back in-house, and to America.

We have a great company in Detroit—actually from New Jersey, now in Detroit—Galaxy Solutions, that has an ''outsource to Detroit'' effort going on to bring IT back from places such as India and Brazil and China. We have on the side of one of our largest buildings this great sign that says ''outsource to Detroit.'' If we are going to outsource somewhere, let's outsource to our American cities. We love the fact that they are part of the effort to rebuild and refocus on Detroit.

We have companies that want to invest in America. We have stories about GE coming back. We have stories in every State of companies that are bringing jobs back to America. We have men and women who want to work. We have companies that are looking at bringing jobs back. CNBC called it ''the stuff that dreams are made of.''

I think going forward the great economic resurgence for us is involved in advanced manufacturing, making things in America and bringing our jobs back to America. It is more than time. It is what our workers are dreaming of. We are proud in Michigan of our workforce, these folks who know how to work, they want to work, they work hard every day. I have to say that efforts such as ''outsource to Detroit'' are giving them a new chance to do that, as well as the other efforts that are going on around Michigan.

There are so many opportunities right here in America. We have the great new ideas. We have the ingenuity and the innovation. We have to make sure we have the right policies to make it happen, that we are not doing anything in our Tax Code that encourages jobs to go overseas; that we do everything possible to support efforts to bring them back and then to reinvest and to expand upon research, development, innovation, retooling the plants we have, reinvesting in communities, reinvesting in our cities, and focusing on a strategy of American jobs. That is what everyone wants us to be doing.

There is a great place to start and that is with our Tax Code so that it catches up with what leading-edge business leaders already know. American businesses, American workers can compete with anybody in the world if we have a level playing field and we give them a chance to do it.

This is a moment, I believe, for us to indicate very strongly to everybody in the country that we get it and that we are not going to allow the Tax Code to continue to create a situation where if someone wants to close up shop and move overseas they can get a tax writeoff as a result. That makes absolutely no sense. I cannot imagine any other country in the world allowing that to happen.

When I think about places such as China, where at this point they say: Come on over, we will build the plant for you. Forget about a retooling loan; we will build the plant for you. Of course, then we will steal their patents, and there are a lot other challenges, but: Come on over and we will build the plant for you. The last numbers I saw showed that China was spending $288 million a day—probably more now—on clean energy policies and manufacturing, and new cutting-edge efforts to try to compete and beat us in an area we should own.

Between our universities and our businesses and our great workforce we ought to completely own these technologies. I am very proud to say that Michigan is now No. 1 in new clean energy patents. We were proud to open, last Friday, the first U.S. Patent Office outside of Washington, DC, in Detroit, MI, as a result of that. There are great ideas happening all over this country right now, innovators—frankly, people who have lost their jobs and they are now back in their garage or basement or the extra bedroom, with new ideas. We want to create businesses to support their creation of businesses by incentivizing them, not having a Tax Code that incentivizes somebody to move overseas.

This legislation I think is pretty simple. It is about bringing jobs home to America. We are going to stop writing off the costs, allowing that business to be subsidized by all of us, including the people they lay off, in order to move overseas. Instead, we are going to say no, if you move overseas you are on your own. But if you want to come back we are happy to allow you a business deduction for those moving expenses and we will add another 20 percent toward the costs of your expenses on top of it. That is what we should be doing. That is smart tax policy. It is common sense. It is one step in a series of things we need to do in order to be able to bring jobs home and make things in America again. I hope we will see an overwhelmingly positive, bipartisan vote on this bill. It would send a wonderful message that we can work together.

We worked together not long ago to pass a farm bill with a strong bipartisan vote because we need to make and grow products in America. That is how we make an economy; that is how we have a middle class. We came together, and I am very appreciative of everyone coming together and working with me and Senator ROBERTS to get that done. This is another opportunity.

It is another way for us to come together and say: We get it. We understand what is going on in the country.

Let's work together and get the job done. I strongly urge colleagues to come together and pass the Bring Jobs Home Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM

Mr. HOEVEN. Madam President, I rise to speak about progrowth tax reform. One week ago Monday, President Obama proposed to raise taxes on over 1 million small businesses in this country. Even though he said in the past that we cannot raise taxes in a recession and that higher taxes will hurt our economy and hurt job creation, he proposed raising taxes on more than 1 million small businesses across this country.

Last week I came to the floor to talk about why that is not the right approach and to discuss the approach we should take, the right approach. I pointed out that his approach—the administration's approach—has made our economy worse since he took office.

Here are the facts, and they speak for themselves. Today we have 8.2 percent unemployment. We have had over 8 percent unemployment for 41 straight weeks. We have more than 13 million people who are out of work and another 10 million people who are underemployed. That is 23 million people who are either unemployed or underemployed. Middle-class income has declined from an average of $55,000 down to $50,000 since the President took office. Food stamp usage is up. There were 32 million food stamp recipients at the beginning of the Obama administration; today there are 46 million recipients. We have gone from 32 million people on food stamps to 46 million people on food stamps. Home values have dropped from an average of $169,000 to an average of about $148,000.

Let's talk about economic growth. GDP growth is the weakest for any recovery since World War II. In the last quarter, the rate of growth was 1.9 percent over the prior quarter. There were 82,000 jobs created in the month of June. We need 150,000 jobs gained each month just to keep up with population growth and to reduce the unemployment rolls.

Those are some of the statistics.

When I spoke on the Senate floor last week, I also read a letter from one of my constituents back home who is a small business owner. He owns an Ace Hardware store. In his letter, he stated very clearly and very eloquently that the President's approach with small business is hurting our economy. I am not going to read the full letter, but I do want to read a couple of lines from his letter.

His letter states:

> The president's programs not only limit my company's potential to grow, but they destroy any incentive to work and hire more people. I just don't know if he doesn't understand what he's doing, or just doesn't care.

I am taking that right out of a small businessperson's letter. Keep that last line in mind for just a minute.

> I just don't know if he—

President Obama—

> doesn't understand what he's doing, or just doesn't care.

I referenced that because the President gave a speech last Friday in Roanoke, VA. In his speech, he followed up on his plan to raise taxes on small businesses. I am going to read right from the President's speech. I think it gives insight as to his view of small business and how our economy works.

He said:

> There are a lot of wealthy, successful Americans who agree with me—because they want to give something back. They know they didn't—look, if you've been successful, you didn't get there on your own. You didn't get there on your own. I'm always struck by people who think, well, it must be because I was just so smart. There are a lot of smart people out there. It must be because I worked harder than everybody else. Let me tell you something—there are a whole bunch of hardworking people out there.
>
> If you were successful, somebody along the line gave you some help. There was a great teacher somewhere in your life. Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business—you didn't build that. Somebody else made that happen. The Internet didn't get invented on its own. Government research created the Internet so that all the companies could make money off the Internet.

So that is right out of the President's speech in Roanoke, VA, last Friday. I think these comments provide real insight into President Obama's view of our economy and the role of small business in our economy. He says we have all had help in our lives, and that is certainly true. There is no question about that, and I don't think anyone disputes that.

He makes it clear that he believes government, not small business, is the driver of our economy. He says it is government that paves our roads and invented the Internet. In essence, it is government that made successful people successful and government that makes our economy go.

That is just not right. It is small business that makes our economy go. It is small business that made our economy the envy of the world. It is small business that serves as the backbone of our economy, that employs our people, that generates tax revenue to build our roads, creates innovation like the Internet, and that provides Americans with the highest standard of living in the world. Small business is the engine that drives our economy, and we need to get it going. We don't do that by raising taxes and growing government. Clearly, that is not the way to go.

The President says everyone needs to pay their fair share. Well, of course everyone needs to pay their fair share, but the way to ensure that gets accomplished is with comprehensive progrowth tax reform and closing loopholes. Let's extend the current tax rates for 1 year, and let's set up a process to pass comprehensive progrowth tax reform that lowers rates, closes loopholes, that is fair, that is simpler, and that will generate revenue to reduce our deficit and our debt through economic growth rather than through higher taxes. The reality is that is the only way to go—along with reducing government spending—that will get our debt and deficit under control and get our people back to work. To be successful, this effort needs to be bipartisan, and the clock is ticking.

So let's get started. Let's give small business in this country the legal, tax, and regulatory certainty to encourage private investment and innovation. That is the American way. That is the real American success story. We can do it, and we need to make it happen now.

Thank you, Madam President, and I yield the floor. I would also suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA INVESTIGATION

Mr. GRASSLEY. Madam President, I come to the floor to address my colleagues about a Federal agency that has forgotten that this Federal agency is supposed to be working for the American people. This is an agency that has gotten too big for its britches. Some of the officials have forgotten who pays their salary.

The Food and Drug Administration is supposed to protect the American people, except lately the only thing the FDA bureaucrats seem to have any interest in is protecting themselves. According to whistleblowers and published reports in the Washington Post and in the New York Times, the agency in charge of safeguarding the American public and providing for the public safety has trampled on the privacy of its very own employees. The FDA mounted an aggressive campaign against employees who would dare to question its actions and created what the New York Times termed an ''enemies list'' of people it considered dangerous. It kind of reminds us of President Nixon and the IRS going after enemies.

The Food and Drug Administration has been spying on this enemies list. The FDA has been spying on the personal e-mails of these employees and

everybody these employees contacted. That includes their protected communications even with those of us in Congress.

We would not have known the extent of the spying if internal FDA documents about it had not been released on the Internet, apparently just by accident. We would not have known how the FDA intentionally targeted and captured confidential, personal e-mails between the whistleblowers, their lawyers, and those of us in Congress.

In these internal documents, the FDA never wanted the public to see that it referred to whistleblowers as ''collaborators.'' FDA refers to congressional staff as ''ancillary actors.'' FDA refers to newspaper reporters as ''media outlet actors.'' These memos make the FDA sound more like the East German Stasi than a consumer protection agency in a free country.

At the beginning of Commissioner Hamburg's term, she said whistleblowers exposed critical issues within the FDA. That seems to be a very approving comment. She vowed to create a culture that values whistleblowers. That appears to be a very approving statement. In fact, in 2009 she said: ''I think whistleblowers serve an important role.''

I wanted to believe Commissioner Hamburg when she testified before the Senate committee during her confirmation. I wanted to believe her when she said she would protect whistleblowers at the Food and Drug Administration. However, the facts now appear very different.

In this case, the FDA invaded the privacy of multiple whistleblowers. It hacked into the private e-mail accounts and used sophisticated keystroke logging software to monitor their every move online.

When an FDA supervisor was placed under oath in the course of an equal employment opportunity complaint, that employee—that supervisor—testified that the FDA was conducting ''routine security monitoring.'' That is entirely false. This monitoring was anything but routine. It specifically targeted five whistleblowers. It intentionally captured their private e-mails to attorneys, to Members of Congress, and to the Office of Special Counsel. The internal documents showed that this was a unique, highly sophisticated, and highly specialized operation.

According to the Office of the Inspector General, the Food and Drug Administration had no evidence of any criminal wrongdoing by these whistleblowers. This massive campaign of spying was not just an invasion of privacy; it was specifically designed to intercept communications that are protected by law. The Office of Special Counsel is an agency created by Congress to receive whistleblower complaints and to protect whistleblowers from retaliation. The law protects communications with the special counsel as a way to encourage whistleblowers to report waste, fraud, abuse, mismanagement, and threats to the public safety, and to do that reporting without fear of retaliation. The FDA knew that contacts between whistleblowers and the Office of Special Counsel are privileged and confidential, but the James Bond wannabes at the FDA just didn't seem to care what the law said.

In the end, the self-appointed spies turned out to be more like the bumbling Maxwell Smart. Along with their own internal memos about spying, the fruits of their labor were also accidentally posted on the Internet. It is tens of thousands of pages of e-mails and pictures of the whistleblower computer screens containing some of the very same information the FDA bureaucrats were so keen to keep secret.

When I started asking questions about this, FDA officials seemed to suffer from a sudden bout of collective amnesia. It took them more than 6 months to answer a letter from last January starting my investigation of this issue. When I pushed for a reply during those 6 months, FDA told my staff that the response would take time to make sure it was accurate and complete.

When I finally got the response on Friday, it doesn't even answer the simplest of questions, such as who authorized this targeted spy ring, and isn't it a coincidence that just Friday, before the New York Times article was going to come out, they finally answered a letter going way back to my questions of January. Worse than that, though, it is misleading in its denials about intentionally intercepting communications with Congress.

When I asked them why they couldn't just answer some simple questions, they told my staff that the response was under review by the ''appropriate officials in the Administration.'' The nonanswers and the doublespeak would have fit right into some George Orwell novel.

Of course, when my staff dug deeper and asked if the response was being reviewed by the Office of Management and Budget, the Food and Drug Administration responded: No, it wasn't being reviewed by OMB.

FDA refused to identify who within the administration was holding up the FDA's response to my letter. Now, that is in an administration that said on January 20, 2009, they are going to be the most transparent in the history of this country. FDA refused to say how long it had been sitting on that person's desk or why it had been approved by the political officials outside the FDA. Who is this shadowy figure conducting some secret review of the FDA's responses to this Senator's questions? Why was there all of a sudden interest in exerting political control over the correspondence of this supposedly independent Federal agency? And when we use the words ''independent Federal agency'' around here, we mean not subject to political control.

We need answers, and we need answers now. I have been demanding answers for 6 months. For the past 6 months, FDA has been telling me to just be patient. The FDA has been telling me they have a good story to tell—and those are their words, ''a good story to tell.''

Apparently, though, there is someone in this administration—President Obama's administration—who didn't want them to say anything for as long as they could possibly get away with not saying anything. I finally got Commissioner Hamburg on the phone in June of this year. Commissioner Hamburg personally assured me the FDA was going to fully cooperate with my investigation. Yet the FDA has provided me with nothing but misleading and incomplete responses.

The FDA has failed to measure up to Commissioner Hamburg's pledge of cooperation. The FDA buried its head in the sand in hopes I would lose interest and go away. They don't know me very well. That is not going to happen.

I don't care who is in charge of the executive branch—Republican or Democrat—I am going to continue demanding answers. When government bureaucrats obstruct and intercept my communications with protected whistleblowers, I am not going to stop. When government bureaucrats stonewall for months on end, I will not stop. When government bureaucrats try and muddy the waters and mislead, I will not stop. I intend to get to the bottom of it.

I will continue to press the FDA until we know who authorized spying. Can my colleagues imagine spying in American government, a transparent government—supposed to be transparent—spying on whistleblowers who are protected by law and who have a special office set up to protect them, and spying on communications between a lawyer and their client?

Someone within the FDA specifically authorized spying on private communications with my own office and with several other Members of Congress. Someone at FDA specifically authorized spying on private communications with Congressman VAN HOLLEN's office. Someone at FDA specifically authorized spying on private communications with the staff of the Senate Special Committee on Aging. Someone at FDA specifically authorized spying on private communications with the lawyers for whistleblowers, and those lawyers are called the Office of Special Counsel.

These whistleblowers thought the FDA was approving drugs and treatment it shouldn't. These whistleblowers thought the FDA was caving to pressure from the companies who were applying for FDA approval. They have a right to express those concerns without any fear of retaliation whatsoever, if the law is going to be followed—the law protecting whistleblowers. But after doing so, two of these whistleblowers were fired, two more were forced to leave FDA, and five of them

were subjected to an intense spying campaign.

Senior FDA officials may have broken the law. They authorized the capturing of personal e-mail passwords through keystroke logging software. That potentially allowed them to log in to the whistleblower's personal e-mail accounts and access e-mails that were never even accessed from a work computer. Without a subpoena or warrant, that would be a criminal violation.

After 6 months, FDA finally denied that occurred. However, that denial was based on the word of one unnamed information technology employee involved in the monitoring. We need a more thorough investigation than that.

I have asked the FDA to make that person and several other witnesses available for interviews with my staff. We will see how cooperative FDA plans to be now. I will continue to press the FDA to open every window and every door. Eventually enough sunlight on this agency will cleanse it.

FDA gets paid to protect the public, not to keep us in the dark. Secret monitoring programs, spying on Congress, and retaliating against whistleblowers—this is a sad commentary on the state of affairs at the FDA.

I know there are hard-working and principled rank-and-file employees at the FDA who care very much about their mission to protect the American public from harm. Unfortunately, all too often those rank-and-file employees are unfairly tarnished by others, such as those involved in this spy ring.

This is a sad commentary on President Obama's promise to the American people that this would be the most transparent administration in history. The American people cannot lose faith in the FDA. Unfortunately, after this debacle, some of that faith may deteriorate. The FDA has a lot of work to do to restore the public's trust.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. HATCH. Madam President, the American people are struggling. Our economy is barely keeping its head above water. Millions of citizens remain out of work. President Obama has spent trillions in taxpayer dollars, and there is nothing to show for it. He talks about investments—investments in infrastructure, in roads, and in bridges—while he has spent trillions. Where are the roads? Where are the bridges? Where is the new electrical grid?

This reckless spending is a sin of commission. But the administration's sins of omission are perhaps worse.

With businesses and families lacking any certainty at all about their tax rates next year, the President and his liberal allies have, nonetheless, steadfastly refused an extension of the 2001 and 2003 tax relief.

Even worse, they are so committed to raising taxes on small businesses—the same small businesses that must be cultivated to get our economy and job growth moving again—that he and his Democratic allies in the Senate have put their feet down and are denying tax relief to anyone unless they get their way on tax increases.

And make no mistake about it, increasing taxes is what they intend to do. They intend to do it so they can spend more. They live to raise taxes. It is almost as though their only source of pleasure is hiking taxes. Taking money out of the private sector and controlling it for their liberal agenda is like some power trip for the left.

And do not fall for that red herring fiscal responsibility argument advanced by my friends on the other side. If you look at comparable policy between the Hatch-McConnell amendment and the Democratic leadership's position, they differ by about $41 billion for the policy for 2013. That $41 billion represents 1.1 percent of the spending proposed in the President's budget for 2013. The House budget, rejected by our friends on the other side, would reduce the deficit by restraining spending by $180 billion—more than four times the deficit reduction that would be achieved through the tax hikes insisted upon by the Democrats.

But what does that tax increase mean in terms of harm to the economy?

My friends on the other side of the aisle should consider this: Today, a study commissioned by the National Federation of Independent Business, the S Corporation Association, and the U.S. Chamber of Commerce confirmed again that the President's attempt to stick it to the rich is going to end up skewering small businesses and the families who work for them, or would like to work for them.

This report, published by Ernst & Young—one of the great accounting firms in this country—and authored by Dr. Robert Carroll and Gerald Prante, found that if the President gets his way, the economy will be 1.3 percent smaller than it would be and there would be 710,000 fewer jobs.

Study after study confirms that the President's policies prioritize spreading the wealth around over growing the economy and creating jobs.

The Vice President spoke yesterday about the values of Republicans and the values of Democrats. Naturally, he spoke pejoratively about Republican values. I disagree with him, naturally, on his negative assessment, but I do agree that there is a clear distinction—a clear choice—between the values embraced by Republicans and Democrats.

Republicans want to grow the economy and create jobs so that American families can thrive. However, to judge by their single-minded pursuit of tax increases, President Obama and his liberal allies appear to value a politics of class envy and wealth redistribution. Having Washington bureaucrats manage the economy in the name of wealth equalization is their first priority, regardless of any evidence that this tax policy undercuts economic growth and job creation.

Unfortunately, the President's economic ethic is significantly hampering our economic recovery with disastrous consequences for America's families.

Today, Ben Bernanke, the Chairman of the Federal Reserve, testified before the Senate Banking Committee. As the Senate's Democratic leadership and the President ignore the fiscal cliff, Chairman Bernanke's words are a somber reminder of what we face if we do not address the fiscal cliff.

He testified that the recovery ''could be endangered by the confluence of tax increases and spending reductions that will take effect early next year if no legislative action is taken.'' He stated that the public uncertainty about the resolution of these issues is a negative drag on the economy, and he concluded that addressing this cliff ''earlier rather than later would help reduce uncertainty and boost household and business confidence.''

But instead of addressing these critical economic issues, the Senate spent another day voting on the same doomed piece of partisan legislation. Rather than take on the hard work of addressing the fiscal cliff that our economy is approaching, we spent precious time yesterday debating the DISCLOSE Act. For those who are not aware, this is a bill that had one purpose: to discourage political engagement by President Obama's opponents.

It takes a pretty bad bill to unify the ACLU; that is, the American Civil Liberties Union, and the NRA against it. But the DISCLOSE Act has brought the lion and the lamb together against it.

It is bad enough that we spent all of yesterday debating a bill that has no shot of becoming law. It is even worse that we devoted nearly an entire day today to debating the same bill again. In the meantime, the American people continue to suffer under this weak economy. And to defend their lack of action, the President and his allies have engaged in some revisionist fiscal history.

I want to begin by correcting the record on this revisionist fiscal history. I will follow that with a discussion of the other side's insatiable appetite for taxes and spending.

We have recently been debating whether we should adopt the President's policy to raise taxes on small business. We have also discussed the tax monster that is stalking the American people under the guise of ObamaCare. In both of these debates, we have heard a good deal of fictional accounting.

These accounts share much with other stories we have heard from the other side over the past decade. You hear it from our friends in the majority whenever the Senate discusses spending or tax policy. I have noticed that the arguments boil down to two points.

My friend and colleague, the former chairman and ranking member of the Senate Finance Committee, Senator GRASSLEY, came up with this thumbnail description of this creative historical account:

First, all of the so-called good fiscal history of the 1990s was derived from the partisan tax increases of 1993. That is their argument. And second, all of the supposedly bad fiscal history taking place within the past 10 years is to be blamed on the bipartisan tax relief plans originally enacted during the last administration and continued under the present administration.

You could go one step further and, as a policy premise, refine that thumbnail description to two short sentences. First sentence: Lower taxes are bad. Second sentence: Higher taxes are good.

Not surprisingly, these revisionist historians support higher taxes and higher government spending. Not surprisingly, the revisionists oppose cutting taxes and cutting government spending.

I direct folks to the Senate floor remarks I made on Valentine's Day last year. It is important to reiterate the main point of those remarks. Our friends on the other side assert that raising taxes was the key to a growing economy in the 1990s, and raising taxes could work this magic again.

A quick look at the data from the 1990s shows this assertion can be summarily dismissed.

I have a chart. According to the Clinton administration's Office of Management and Budget or OMB, the impact of the much bragged about tax hike bill of 1993 was minimal. The Clinton administration OMB concluded that the 1993 tax increase accounted for only 13 percent—as you can see, the green bar on the circular chart—the 1993 tax increase accounted for only 13 percent of deficit reduction between 1990 and 2000. Thirteen percent puts the 1993 tax increase behind other factors, such as defense cuts, other revenue, and interest savings. The data clearly shows that tax increases did not drive the deficit reduction.

As a matter of fact, only 13 percent of the positive fiscal history of the 1990s is due to the 1993 tax increase. That is it—13 percent. It is right here on the green part of the chart.

Well, what about the last decade? The period of 2001 to 2010 saw a lot of deficits. From what you hear from our friends on the other side, those deficits are a direct result of the tax relief that benefited virtually every American taxpayer. Yet CBO data tells us a different story.

On May 12, 2011, CBO released a recap of the changes over the last decade. At the start of 2001, as everyone agrees, CBO projected a surplus of $5.6 trillion. Over the decade, deficits of $6.2 trillion materialized. That is a swing of $11.8 trillion. What did CBO say were the causes?

My friends on the other side might be surprised to learn that the answer is not primarily tax relief. Higher spending accounts for 44 percent of the change. Higher spending, no question about it.

Let me repeat that. Higher spending was the biggest driver of the deficits of the last decade.

Economic and technical changes in the estimates accounted for 28 percent of the change. So all tax relief, including the tax relief passed by Democratic Congresses and tax relief signed into law by President Obama, accounts for 28 percent. The tax relief legislation, much maligned by our friends on the other side, accounts for less than half of the fiscal change attributable to tax relief. Specifically, the bipartisan tax relief bills of 2001 and 2003, including the AMT patches in those bills, accounted for 13.7 percent of the fiscal change of the last decade.

That is not ORRIN HATCH speaking, it is the nonpartisan congressional scorekeeper, CBO.

So how much of the bad fiscal history of the last decade is attributable to tax relief? Twenty-eight percent. That is it. That includes the tax cuts in partisan bills such as the stimulus. If you isolate the bipartisan bills that are the object of sharp criticism from our friends on the other side—the 2001 and 2003 tax cuts—you will find that those bills account for only 13.7 percent of the fiscal change in the last decade.

Abnormally low levels of spending contributed significantly to the surpluses of the 1990s. Abnormally high spending drove the deficits of the past decade. Abnormally high spending is driving our current deficits, and it will drive our future deficits as well.

To my friends on the other side, if we focus instead on hiking taxes way above their historic averages, we are misleading and mistreating the problem. The reason for our previous surpluses was low spending, and the reason for our current deficits is high spending. We cannot tax our way to fiscal health.

I now turn to a second issue that demands a response. It has a corollary of the theme underlying the revisionist fiscal history I have discussed. It is the insatiable appetite for taxes and spending that we see from the President and my friends on the other side.

Last week, President Obama once again called for tax increases in order to fund his so-called progressive vision of government. I am specifically speaking of the President's latest proclamation that the tax relief of 2001 and 2003—tax relief supported by the President and 40 Senate Democrats in 2010—should not be extended for people earning $250,000 or more a year. This was breathlessly reported in some quarters of the fourth estate as if it constituted news. In my opinion, the more proper and accurate response would be to borrow from President Ronald Reagan when he said ''there you go again'' to Jimmy Carter in a 1980 debate.

Perhaps ironically President Reagan was responding to President Carter's comments on a national health insurance proposal. President Reagan was more right than even he knew.

Getting back to taxes and the role of government, President Reagan was essentially making the same point this chart shows, which is liberal logic. No matter what problems face the left, the answer is always the same solution. Health care is too expensive; raise taxes. Spending is out of control; raise taxes. Gas prices are too high; raise taxes. Too many people are unemployed; raise taxes. It is a broken record.

Again, no matter what problem faces the left, the answer is always the same. More taxes are always needed in order to increase the size and scope of the government in people's lives.

The Supreme Court recently affirmed the point of this chart—the liberal solution to rising health care costs and lack of coverage were tax increases.

The propensity of President Obama and his ideological allies to raise taxes is nothing new, and it is widely acknowledged as well. Back in August of 2008, David Leonhardt wrote a piece in the New York Times that quoted then-candidate Obama. It is titled ''Obamanomics,'' and here is what he said:

> If you talk to Warren, he'll tell you his preference is not to meddle in the economy at all—let the market work, however way it's going to work, and just tax the heck out of people at the end and just redistribute it. That way you're not impeding efficiency, and you're achieving equity on the back end.

In order that people may peruse the whole story, I ask unanimous consent that the Internet Web address to Mr. Leonhardt's piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 24, 2008]

OBAMANOMICS

(By David Leonhardt)

http://www.nytimes.com/2008/08/24/magazine/24Obamanomics-t.html

Mr. HATCH. For those of us not invited to the local Dairy Queen for a Blizzard with the oracle of Omaha, the Warren cited in this quote is none other than Warren Buffet. He is a friend of mine—you know, the same Buffett from which the Buffett rule or Buffett tax is named.

Setting aside the ridiculous notion that Americans are as oblivious to taxes as cattle are to the purposes of the slaughterhouse they are being led into, this quote very accurately illustrates the liberal attitude toward taxes, which is that they always need to go up.

This chart illustrates government revenue as a percentage of GDP. Look

at that. The purple line is total government. The red line is Federal Government. The green line is State and local government. When we combine them, we get the purple line, which is well over 25 percent for most of the time, from 1970 up to 2010.

There are some fluctuations, but over the last 40 years, revenues have been roughly stable. We can see in the past 10 years a dip around the time the so-called Bush tax relief was enacted, followed by a rebound as the tax cuts promoted growth, followed by a dip in revenues as the recession set in. We can see that it came down around 2000, went up a little more, and then came down again.

According to the CBO, as of June 5, 2012, Federal revenues averaged 17.9 percent of GDP over the past 40 years. The same CBO report—the 2012 long-term budget outlook—forecasts that under current law, Federal revenues will be 18.7 percent of GDP next year in 2013 and will be 23.7 percent of GDP in 2037.

Somebody could say that current law is not realistic and some tax provisions that are scheduled to expire will likely be extended. To account for this, CBO has an alternative fiscal scenario which assumes the extension of certain tax policies through 2022.

CBO assumes this would lead to the Federal revenues increasing to 18.5 percent of GDP in 2022, with that level being preserved going forward. We definitely know that President Obama doesn't support the assumptions that are part of CBO's alternative fiscal scenario because earlier this week he called for taxes to increase on hundreds of thousands of small businesses—almost 1 million small businesses and business owners.

The question remains, Why do my friends on the other side think taxes always need to go up? The answer to this question is more complex than I am going to discuss right now, but part of the answer is that taxes need to go up in order to increase the size and scope of government in the lives of all Americans.

Here is another chart that compares State and Federal Government revenues, which we have just examined, with total government spending. We will notice Federal Government spending is the purple line on the top most of the way through except where it intersects with the red line, which is total government revenue. All of a sudden total government revenue goes down, but total spending seems to go up between 2005 and 2010.

We can see that over the past 40 years it looks like spending has been inclined to move up, but only in the past few years does it jump to unprecedented heights. Virtually every action taken by the Obama administration and Democratic Senate leadership has amounted to an increase in the size and scope of government.

The continuing government takeover of health care is just the single most prominent example right now. On all fronts, President Obama's expansion of government is on the march, trampling whatever gets in its way.

The chart behind me is a combination of Federal and State spending. If we are just talking about the Federal Government, in the CBO document I cited earlier, it is projected that debt will eventually reach 200 percent of our economy—that means of the GDP—that health care spending will rise to record levels, and that Medicare and Social Security are on a path to disaster.

Getting back to the chart, the combined State and Federal spending and revenues—the purple line—what I find particularly striking is the large gap between the spending and revenue lines. Once again, as CBO has indicated, that gap is likely to increase to more than twice the size of our whole economy. We are already at 103 percent of GDP.

If I recall correctly, Spain is a little more than half of that—around 70 percent. Yet Spain is considered in real trouble in Europe. Once again, as CBO indicated, that gap is likely to increase to more than twice the size of our whole economy.

Finally, here is a chart of Federal and State government spending as a percentage of GDP. Look at this.

I apologize for being repetitive, but if there is one message that should be taken from my remarks today, it is one that I and others have been making a long time. That message is that the United States doesn't have a tax problem; it has a spending problem.

We keep hearing that Republicans are too beholden to an antitax ideology, and that any resolution of our debt crisis will require that Republicans get with the program and acknowledge the need for increased taxes.

As I have shown, this characterization of our fiscal and political problems is not close to half right. By far, the greatest cause of our fiscal shortcomings is increased spending.

Our increasingly precarious fiscal situation did not arise from a dramatic decrease in taxes but, rather, is being caused by a dramatic increase in Federal spending. There is a continual effort underway to deny this reality but reality it remains.

I have a chart that summarizes the latest tactic being used to convince people that exploding government spending is not the disaster it appears to be, and this is called the rich guy chart. As John Stossel has pointed out, people like free stuff. The problem with free stuff from the government is that nothing is free. To quote John Stossel, ''It's an Uncle Sam scam.'' Stossel was specifically discussing the ability of people to exploit a tax credit for electric vehicles in order to acquire golf carts, but the principle applies to any instance where the government supposedly provides something for nothing. This is where the cartoon of the rich guy behind me comes in. Goodies from the government are a lot less appealing when there is a pricetag involved, and many people would like to decide how they are going to spend their own money. The left's preferred solution to this little quandary is to have someone else foot the bill.

For President Obama, that someone else is, in his words, ''the rich,'' which includes all these small businesses that are formed in subchapter S corporations and other passthrough entities, including partnerships, LLCs, and so forth—small businesses that are vital to our economic recovery.

Unfortunately, that approach is just as realistic as the cartoon I am using to illustrate my point. While many of us may not while away our leisure time down at the club playing whist with monocled robber barons, a lot of us probably know of small businesses in our communities that employ us or our neighbors and provide goods and services that consumers want and our economy demands.

When liberals are talking about this guy in the top hat with the monocle, they are talking about the hard-working small business owner. So when President Obama talks about increasing taxes on the rich, he is talking about increasing taxes on around 940,000 small business owners who are already in the top two tax brackets. A lot of people who would not pay the Obama tax increase work for someone who would be hit by it. What we have seen is that President Obama and his allies want to increase the size of government and, in part, they want to fund this expansion with higher taxes on so-called rich people.

I want to conclude my remarks with a question. If we are getting more government, what are we getting less of? I am going to go back to the chart I displayed earlier of government spending as a percentage of GDP.

This one right here. We can see government spending is going up, but what is going down as a result? What does the area on the top of that chart, which is diminishing, represent? This is a subject that lends itself to prolonged discussion, but for one answer we can get back to Mr. Leonhardt's piece in the New York Times. This is the same piece from August 24, 2008, and contains a quote from then-candidate Obama critiquing his friend Warren's argument.

President Obama said:

> I do think that what the argument may miss is the sense of control that we want individuals to have in determining their own career paths, making their own life choices and so forth. And I also think you want to instill that sense of self-reliance and that what you do will help determine outcomes.

Let me refer to the Obamanomics II chart. If candidate Obama was in the midst of an internal struggle over the appropriate role of government back in 2008, that struggle is over—self-reliance lost and taxing the heck out of people and redistribution won. It runs through the theme of his revisionist fiscal history, and it is the ethic underlying the

insatiable appetite my friends on the other side have for taxes and spending.

This, in and of itself, is not anything new for liberals and progressives. Once again, I will quote my friend Ronald Reagan in my response to the President's plan to tax the heck out of people in the name of redistribution: ''There you go again.''

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. THUNE. Mr. President, one of the foremost threats to our economy is the fiscal cliff. This is an issue my Republican colleagues and I have been talking about for several months now, calling for more transparency in the sequestration that will occur at the end of the year, a replacement of the defense sequester, and actions to prevent a massive tax increase on the American people.

Senate Democrats—who have only recently acknowledged the looming fiscal cliff—are now threatening to go over the cliff unless Republicans agree to increasing taxes on America's small businesses during this difficult economic period.

Think about that. Senate Democrats are willing to put our economy at serious risk and our national security in jeopardy unless Republicans agree to a massive tax increase on America's small businesses.

The headline from a news story in the Washington Post from over the weekend says, ''Democrats Threaten To Go Over Fiscal Cliff If GOP Fails To Raise Taxes.'' They quote, ''Senior Democrats say they are prepared to weather a fiscal event that could plunge the nation back into recession,'' if the New Year arrives without an acceptable compromise—which they have defined to be a major tax increase on small businesses in this country.

Think about the impact of that and what that means to people across this country. We have had now, for the last 3 years, a complete failure in the Senate to produce a budget. We are now faced with this fiscal cliff which consists of the sequestration, the across-the-board cuts that would occur early next year if nothing is done to prevent them, the tax hikes, and we are going to reach the debt limit, all threatening our economy in an already anemic recovery.

It is hard to overstate the magnitude of the tax increases that are going to hit our economy starting next year if we don't act. Over the next 10 years, this tax increase would result in nearly $4.5 trillion in new taxes on American families and entrepreneurs. What does that mean to the average family in this country? The Heritage Foundation recently published a study that estimated the tax increase per tax return in every State. For example, for my State of South Dakota the Heritage Foundation estimates that the average tax increase per tax return would be $3,187 in the year 2013.

I would say to my colleagues on the other side of the aisle, many of whom I think generally believe in Keynesian economics, that the average family in South Dakota could do more to stimulate our economy and create new employment by keeping their $3,187 and spending it as they see fit, not as Washington sees fit to spend it on their behalf.

Taxmageddon is a very apt description that has been applied to this fiscal cliff when you consider the impact of these tax increases not just on individual families but on our entire economy. Until recently we could just speculate about the impact of these tax increases on our fragile economy, but the magnitude of the damage was in dispute. Not anymore. Last month, the Congressional Budget Office gave us the most definitive estimate yet of the impact of the nearly $½ trillion of tax increases that would hit in 2013 when combined with the more than $100 billion of spending cuts that would occur under the sequester I mentioned earlier.

The Congressional Budget Office projects the combination of the massive tax increases and the sequester will result in real GDP growth in calendar year 2013 of only one-half of 1 percent. Think about that, one-half of 1 percent. We are right now growing somewhere—they think—in the range of 1.9 percent or 2 percent this year. But next year, the real GDP growth would amount to only ½ percent. And the picture is even bleaker if you consider that CBO projects that the economy will actually have a decrease in GDP of 1.3 percent in the first half of 2013.

So you have the Congressional Budget Office saying that over the entire year of 2013, the likelihood is we will grow at one-half a percentage point if we don't address the fiscal cliff. But in the first half of next year, we actually see a decrease of 1.3 percent of economic growth. According to CBO, a reduction of 1.3 percent of economic growth in the first half of next year would ''probably be judged to be a recession.'' That is according to the Congressional Budget Office, which is the nonpartisan authoritative referee we use to evaluate the impact of the spending and debt tax issues.

This morning, the Chairman of the Federal Reserve Board of Governors, Ben Bernanke, testified before the Senate Banking Committee, and he said:

> Fiscal decisions should take into account the fragility of the recovery. That recovery could be endangered by the confluence of tax increases and spending reductions that will take effect early next year if no legislative action is taken. The Congressional Budget Office has estimated that if the full range of tax increases and spending cuts were allowed to take effect—a scenario widely referred to as the fiscal cliff—a shallow recession would occur early next year. . . .

That is according to the Chairman of the Federal Reserve Board of Governors Ben Bernanke in his testimony as recently as this morning. He talked about a shallow recession occurring next year and the endangerment of the recovery that is under way if we have this confluence of events happen at the end of the year.

He went on to say:

> These estimates do not incorporate the additional negative effects likely to result from public uncertainty about how these matters will be resolved.

In other words, the economic uncertainty that is associated with all these things happening at the end of the year are impacting the economy today as people are looking at how they are going to make investment decisions, and that our economy is likely to experience negative effects from that public uncertainty above and beyond the direct impacts that CBO has incorporated into its analysis.

So let's be very clear about what the fiscal cliff means. We are not talking about a slight slowdown of a few tenths of a percent. What we are facing is the difference between positive growth on the one hand—which will mean more jobs and higher incomes—and a potential recession on the other hand. We can, and must, provide Americans some certainty as to what their taxes are going to be next year.

The House of Representatives has already agreed to hold a vote to extend all of the existing tax rates before the August recess in order to avert the fiscal cliff. They are going to act on this sometime before we go out in August to extend all of the rates before the end of the year so there is certainty for those who are making economic decisions.

Unfortunately, thus far the Senate and the Senate Democratic leadership has only agreed to hold a vote on a plan to raise taxes on nearly 1 million small businesses. This tax increase on individuals earning more than $200,000 a year and families making more than $250,000 a year will raise taxes on more than half of all income in America earned by S corporations, sole proprietorships, LLCs, partnerships, and other passthrough businesses that pay their taxes at the individual rates.

A point of clarification: That applies to a lot of mom-and-pop businesses in this country. We are talking about that restaurant owner, that electrician, many of whom are organized in the fashion in which their income flows through their individual tax return and they pay at the individual tax rate. The Joint Committee on Taxation has estimated that the number of businesses that would be impacted by that is 940,000. So almost 1 million small businesses would see their taxes go up as a result of the fiscal cliff and tax rates expiring at the end of the year for those individuals who are making more

than $200,000 and families making more than $250,000 a year.

According to the National Federation of Independent Business, the small businesses most likely to be hit by the Democratic tax increase employ 25 percent of the total workforce. So we are talking not just about the small businesses that are going to be faced with higher taxes, but we are also talking about a huge portion of the American workforce in this country. Twenty-five percent of the employees in this country work for those small businesses that, according to the Joint Committee on Taxation, will see their taxes go up as a result of the President's proposal.

We essentially have in front of us three choices:

We can let all the tax rates expire, which we know is going to plunge our economy back into a recession; we can do what our Democratic colleagues want to do, which is to raise taxes on successful small businesses and entrepreneurs, slowing our economy even further and risking—according to the Congressional Budget Office and the Chairman of the Federal Reserve Board—a recession; or, we could do what the House of Representatives will soon pass and what I would suggest, and that is we can prevent a tax increase from hitting anyone and give the lackluster economic recovery at least a chance to gain some steam.

That is what we ought to do. We ought to do what the House of Representatives is going to do, and that is to extend the rates for a year so that people in this country have some certainty as to what their tax rate is going to be at the end of the year.

I hope my colleagues here in the Senate—and the Senate Democrats in particular—will realize the severity of the fiscal cliff, and come to the table to prevent this massive tax increase and the unbalanced and troubling cuts that will occur to our national security if we don't take steps to avert this fiscal cliff.

We have to prevent the dangerous cuts to our national defense that are scheduled to go into effect under sequestration by finding savings elsewhere in the budget. In order to do that, we need a detailed plan from the administration as to how they plan to implement the sequester.

Members of Congress on both sides of the aisle have called for more transparency on the sequester from this administration, but they have so far failed to produce a plan. That is simply unacceptable. I will continue to work to see that a requirement be enacted so the administration will finally be transparent with the American people and give all Members of Congress a clear idea as to where the cuts are going to be applied.

Our economy is weak. We know that growth in the first quarter was a mere 1.9 percent. Expectations for the second quarter have been downgraded. We have witnessed now for 41 straight months unemployment above 8 percent. We have 23 million Americans who are either unemployed or underemployed and 5.4 million Americans who have been unemployed for a long period of time.

We have a weak economy. The amazing thing about this debate is that 2 years ago the President of the United States said that raising taxes would strike a blow to the economy. That was at a time when we had 3.1 percent economic growth. We now have, as I said, according to the estimates, 1.9 percent economic growth for the first quarter of this year, and expectations for the second quarter have already been downgraded. So with 41 straight months of unemployment above 8 percent, 23 million Americans underemployed or unemployed, and the weakest recovery literally since the end of World War II, now is not the time to raise taxes.

Who in their right mind would think it would make any sense at all to raise taxes when you have an economy that is growing at such an anemic rate, particularly given the fact that 2 years ago, when we had more robust economic growth, the President said at that time that it would strike a blow to our economy if we raised taxes. Here we are with economic conditions that are much worse, circumstances that have deteriorated since then, and he is proposing a tax increase on 1 million small businesses that will have a ripple effect all across our economy and hurt job creation at a time we cannot afford that.

There was another study, an analysis that came out today done by Ernst & Young in which they analyzed the tax hikes that would occur on small business next year and came to the conclusion that it would cost 700,000 jobs in our economy, that it would cost us 1.3 percent of economic growth—which is again consistent with what the Congressional Budget Office has said—and that it would reduce wages to people in this country by 2 percent.

So you now have the Ernst & Young study out there which suggests that not only does this impact the small businesses out there that are going to see their taxes go up, but it puts at risk and in jeopardy jobs for hard-working Americans and a wage base that would actually shrink if, in fact, we drive the car over this fiscal cliff.

We cannot afford to do that. It is irresponsible to have people out there saying that they are so anxious to prove some point or to win some argument on raising taxes that they are willing to see this country run the risk of plunging into a recession and raising the number of people who are unemployed in this country. It really is.

I have to say that when I saw some of the remarks and some of these stories and some of the reporting about statements that are being made by our colleagues on the other side and Members of their staff with regard to the fiscal cliff and the willingness on the part of many of our colleagues to suggest that this country could go through and endure even more difficult economic times than what we are already experiencing, even higher unemployment than what we are already seeing, it was really pretty remarkable and truly unfortunate.

I hope folks will walk back from that position, walk back from those remarks, and enter into a discussion about how we might be able to provide the necessary economic certainty for our job creators and our small businesses, how we can get people back to work, how we can grow and expand this economy.

Frankly, extending the tax rate should only be the first part, the short-term solution. The long-term solution is to get tax reform, comprehensive tax reform. People on both sides of the aisle agree with that. If we could enter into a discussion about how we could reform our Tax Code in such a way that it broadens the tax base, lowers the rates, does away with loopholes and deductions, coupled with entitlement reform—that we all agree has to be dealt with or we are going to continue to see the country on a fiscal trajectory that is completely unsustainable over time, is going to lead to the situation we see many European countries dealing with today—that is what we ought to be focused on.

We ought to be providing certainty to our businesses, extending rates at least for now until such time hopefully next year when we all agree we need to sit down and solve this tax mess we have in this country, this Tax Code that has become way too complicated, and come up with something that is more simple, more clear, more fair, and something that makes us more competitive in the global marketplace. Right now, we are losing to a lot of countries around the world simply because we have a tax code that makes American businesses noncompetitive in the international marketplace.

Tax reform, entitlement reform, a comprehensive energy policy, regulatory reform—it is not that hard to fix this if we have the will, the political will to do it. But we cannot start by saying to small businesses in this country that we are going to raise your taxes next year, run the risk of plunging the country into a recession and increasing the number of people in this country who are unemployed.

That is the exact wrong prescription. We ought to be providing certainty, extending the rates, and getting into a discussion and hopefully action on legislation that would reform the American Tax Code to make us more competitive in the world, do away with the costly, overreaching, excessive, and burdensome regulations that are making it more difficult and more expensive to do business in this country; an energy plan that makes sense, that relies upon American sources of energy; and a spending plan, a budget—something the Senate has not done now for 3 years, an actual budget. Lo and behold, go figure that we could actually

do a budget in this country that puts us on a more sustainable fiscal path by reforming entitlement programs, that will actually save Social Security and Medicare for future generations of Americans. That is the long-term prescription for what ails America. But certainly in the short term it makes matters much, much worse when we talk about piling a tax increase on the very people we are looking to, to create jobs and get this economy back on track.

I hope this Congress will come to its senses about this and that we will vote down any proposal that would raise taxes on hard-working small businesses and entrepreneurs in this country and instead give them the certainty they need for the months ahead, until such time as we can deal with the issue of tax reform.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, 11 years ago I introduced the DREAM Act to allow a select group of immigrant students with great potential to contribute more fully to America. The DREAM Act said that in order to qualify, they had to earn their way to a legal status and they had to have come to the United States as children, be long-term U.S. residents, have good moral character, graduate from high school, and agree to serve in our military or at least complete 2 years of college.

These young people literally came to the United States as infants and children. They grew up in this country. They went to school with our kids. They are the valedictorians, the athletes, and even the ROTC leaders in schools across America. They did not make the decision to come here; they were just kids. Their parents made the decision. As Homeland Security Secretary Janet Napolitano said, immigrants who were brought here illegally as children ''lacked the intent to violate the law.'' It is not the American way anyway to punish children for the wrongdoing of their parents.

I am going to continue to work on this DREAM Act. It has been 11 years. I will work on it as long as I have to to get it done; it is that important. But the young people who are eligible, who would be eligible for it, cannot wait any longer. Many have already been deported to countries they never remembered and with languages they do not speak. There are still some at the risk of deportation.

That is why the Obama administration decision a few weeks ago to stop the deportation of young people who would be eligible for the DREAM Act was the right thing to do. The administration says we will allow these immigrant students to apply for a form of relief known as deferred action that puts their deportations on hold and allows them, on a temporary renewable basis to live and work legally in America. I strongly, strongly support this decision. I think it was a humane decision by the President of the United States on behalf of these young people.

When the history of the civil rights era we have lived through since the 1960s is written, this will be an important chapter. The administration's deportation policy has strong bipartisan support. It was 2 years ago that Republican Senator RICHARD LUGAR of Indiana joined me in a letter to the President asking me to do this. Last year, Senator LUGAR joined me, along with 22 other Senators, to sign a letter to the President asking the same thing, and what do the American people think about President Obama's decision on the DREAM Act students? It turns out that 64 percent of likely voters—including 66 percent of Independents—support the policy, compared to 30 percent who oppose it.

Earlier, my colleague and friend from Iowa Senator GRASSLEY gave a speech on the Senate floor about this decision by the President. At one point in time, Senator GRASSLEY was a cosponsor of the DREAM Act. We wouldn't know it from his speech today. He has changed his position on this bill just like so many other Republicans. Let me take a few minutes to respond to his specific points.

He claimed the President's policy to not deport the DREAM Act students is going to hurt the American economy. I couldn't disagree more. Granting deferred action of DREAM Act students will make us a stronger country giving these talented immigrants a chance to be part of America and its future.

Studies have found DREAM Act students can contribute literally trillions of dollars to the U.S. economy given a chance to be a part of it. We are not talking about importing new foreign workers into the United States to compete with Americans, we are talking about taking young people who are educated in our schools at our expense, trained and ready to give something to America and giving them a chance. They are going to be tomorrow's doctors, engineers, teachers, and nurses. We shouldn't squander their talents and all the years we invested in educating them by deporting them at this important point in their lives.

Senator GRASSLEY said President Obama ''circumvented Congress to significantly change the law all by himself.'' With all due respect, I don't think that is how it happened. The Obama administration's new deportation policy is lawful and appropriate. Throughout history, all governments—and our Federal Government—have had to decide whom to prosecute and not to prosecute. It is called prosecutorial discretion. It is based on law enforcement priorities and resources. Every administration, Democratic and Republican, has stopped deportations of low-priority cases, as they should.

Just last month, the Supreme Court reaffirmed that the Federal Government has broad authority to decide whom to deport. Justice Anthony Kennedy, appointed by George H.W. Bush, wrote the opinion for the Court. This is what he said:

> A principal feature of the removal system is the broad discretion exercised by immigration officials . . . Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime.

The administration's policy is not just legal, it is realistic and smart. Today there are millions of undocumented immigrants in the United States. It is physically and literally impossible to deport them. So the Department of Homeland Security has to decide priorities. Shouldn't the highest priority be to deport those who are most dangerous to the United States? I think even the Senator from Iowa would have to concede that point. The Obama administration has made that its priority.

Senator GRASSLEY calls the administration's deportation policy an amnesty. That is not right. The DREAM Act students will not receive permanent legal status or citizenship under the President's policy. They have temporary renewable legal status. It is temporary renewable legal status.

During his speech, Senator GRASSLEY read a quote from an interview the President gave last year to support his claim that the President had changed his position on the DREAM Act, but he only read part of the quote. Here is what Senator GRASSLEY read:

> This notion that somehow I can just change the law unilaterally is just not true . . . the fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetuating the notion that somehow, by myself, I can go and do these things. It's just not true.

That is what Senator GRASSLEY read. Here is the rest of the quote.

> What we can do is prioritize enforcement—since there are limited enforcement resources—and say, we're not going to go chasing after this young man or anybody else who has been acting responsibly, and would otherwise qualify for legal status if the DREAM Act passed.

That is what the President said. I wish Senator GRASSLEY had read that in the RECORD. The President has done what he has the authority to do as our Chief Executive Officer to exercise prosecutorial discretion.

I personally discussed this with Secretary Napolitano. She has assured me that the Department of Homeland Security is going to follow the President's lead but is going to have strict enforcement of fraud. If any young person commits fraud in this process, there will be a price to be paid. Senator GRASSLEY should know that, and he shouldn't question it absent evidence to the contrary.

I might say it is sad we have reached this point that so few Republicans would stand for these young people. There was a time when Senator HATCH was the lead sponsor in this bill, and I was begging him to cosponsor it. Then it reached a point where he only voted for it, and then it reached a point where he voted against it.

Senator GRASSLEY has voted for this bill in the past too. In 2006, when the Republicans lost control of Congress, the DREAM Act passed the Senate out of an amendment to the comprehensive immigration bill 62 to 36. There were 23 Republicans who voted for it. Unfortunately, the Republican leaders in the House refused to take up that bill in 2006. Republican support for the DREAM Act has diminished over the years. I have to say I noted the lack of volume and firepower in criticizing the President on this DREAM Act decision. I think many of our Republican colleagues realized the American people do support this two to one, and it is the right thing to do.

I am going to do what I have done on 48 other occasions and try to make this DREAM Act discussion more than an abstract conversation. I wish to make sure people understand who is involved in these decision processes.

This is a photograph of Maria Gomez. Her parents brought her from Mexico to Los Angeles when she was 8 years old. She started school in the third grade with English as a second language. By the time she was in sixth grade, 3 years later, she was an honor student.

In middle school, Maria discovered art and architecture. She began her dream of becoming an architect. In high school, Maria was active in community service and extracurricular activities, captain of the school spirit squad, president of the garden club, and a member of the California Scholarship Federation. She graduated 10th in her class with a 3.9-grade point average.

Maria was accepted by every college she applied to. Her dream was to attend UC Berkeley, the only State college in California that offers architecture to undergraduate students, but she couldn't afford it. Maria, and the other DREAM Act students, are not eligible for any Federal assistance to go to school. Instead, she decided to live at home and to attend UCLA. She was a commuter student. She rode the bus to and from UCLA, 2½ hours each way each day.

While she was a full-time student, she worked to clean houses and did babysitting to help pay for tuition. She graduated from UCLA with a major in sociology and a minor in public policy. She was the first member of her family to graduate from college. She was determined to achieve her dream of becoming an architect. She enrolled in the Master of Architecture Program at UCLA. She was the only Latino student in the program. She struggled financially. At the time, she had to eat at the UCLA food bank. Because she couldn't afford housing near the campus, she spent many nights in a sleeping bag on the floor of the school's printing room.

Last year, Maria received her master's degree in architecture and urban design. She said:

> I grew up believing in the American dream and I worked hard to earn my place in the country that nurtured and educated me. . . . Like the thousands of other undocumented students and graduates across America, I am looking for one thing, and one thing only: the opportunity to give back to my community, my state, and the country that is my home, the United States.

I ask my colleagues who are critical of the DREAM Act and President Obama's new policy: Would you prefer that we deport Maria Gomez back to Mexico at this point in her life, a country that she has not lived in since she was a small child? She grew up here. She has overcome amazing odds to become successful. This determined young woman can make America a better nation.

Thanks to President Obama's new policy, Maria is going to be able to work. I hope she will be able to get a license as an architect in her State. A future President could change this policy so Maria's future is still in doubt because we haven't enacted the DREAM Act. Maria is not the only one. There are tens of thousands similar to her.

The DREAM Act would give Maria, and others similar to her, the opportunity to be our future architects, engineers, teachers, doctors, and soldiers.

Today, I again ask my colleagues to support the DREAM Act. The President's new deportation policy is a step in the right direction, but ultimately it is our responsibility. He has done his part. We need to pass this humane and thoughtful bill and give people such as Maria Gomez a chance to make America a better place to live.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNIZING THOMPSON-MARKWARD HALL

● Mr. CONRAD. Mr. President, I am pleased to honor the 125th Anniversary of Thompson-Markward Hall, which was formerly known as the Young Women's Christian Home. Many young women working as interns or beginning staffers, including many from my office throughout the years, have found a safe place to live and meet friends as they establish their professional careers. The Thompson-Markward Hall, located across from the Hart Senate Office Building on Capitol Hill, provides a valuable service to young women working in Washington and our Congressional community. Its remarkable story is one very much worth sharing.

In 1833, Mrs. Mary G. Wilkinson recognized the need in the District of Columbia for suitable lodging for young ladies of good character and meager means. She vowed that there should someday be a home for young women coming alone to Washington seeking employment, where they could be protected and cared for until they became established in the community. She began what developed into the Young Woman's Christian Home by housing two such young women in her home.

In 1887, the Young Woman's Christian Home was chartered by Congress and incorporated ''to provide a temporary home for young women coming to and being in the District of Columbia, who shall, from any cause, be in want of and willing to accept temporary home, care and assistance . . .'' By 1890, the Home was receiving an annual appropriation of $1,000 from Congress.

Over the years, the Young Woman's Christian Home underwent renovations and changed locations. In 1931, Mrs. Flora Markward Thompson, a devoted Life Member of the Board of Trustees, passed away, leaving instructions for the executors of her estate to establish a suitable memorial to her mother and her husband. The executors decided that the most suitable memorial could be entrusted to the Young Woman's Christian Home. The Home then became known as Thompson-Markward Hall now most commonly known as TMH—to perpetually remember Mrs. Thompson's generous gift.

Despite the many changes throughout the years, the original spirit and mission of the founders and early benefactors remain. Today, TMH continues to be a ''home away from home'' for 120 young women in Washington for work or school.

As TMH celebrates the 125th anniversary of its Congressional charter, its roots are strong and the devotion to its founder's mission remains firm and constant. I ask the United States Senate to join me in congratulating Thompson-Markward Hall on this important milestone.●

CONGRATULATING MASSACHUSETTS GENERAL HOSPITAL

● Mr. KERRY. Mr. President, today I can finally congratulate everyone at Massachusetts General Hospital, MGH, on a special and well-deserved distinction long in the making: MGH has been named America's Best Hospital by U.S. News & World Report.

I say ''finally'' because I have been patiently keeping my promise not to publicly share the news now these last 6 days since Dr. Slavin called me to pass along the great news in advance. Now he has confirmation that in a Washington, DC, full of leaks, there is at least one U.S. Senator who still knows how to keep a secret.

Today's public announcement confirms what all of us in Massachusetts have always known—that if you need to find first-rate care for a loved one with a serious and complicated condition, then you go to the Massachusetts General Hospital. It comes as no surprise to us that this revered Massachusetts institution would hold the honor of best hospital in the Nation.

Today's announcement is one two centuries in the making. It started with the dream of Rev. John Bartlett, who in 1810 wanted to establish a state-of-the-art medical facility for the physically and mentally ill which would train the Nation's finest doctors. That dream was carried by Drs. James Jackson and John Collins Warren, who advocated in the Massachusetts Legislature for a charter and collected donations as small as 25 cents and as large as $20,000 to make the dream a reality. Finally, in 1821, the institution currently known as Mass General opened its doors to patients and became the first teaching hospital of Harvard Medical School.

Since then, MGH has been providing cutting-edge care to patients from all over the world. It was the home to many firsts: the first public demonstration of surgical anesthesia, the identification of appendicitis, the establishment of the first medical social service, and the first replantation of a severed arm by a surgical team.

But more than firsts, Mass General has provided a place of hope for all those who needed help. It is the employees of MGH who have made this possible from generation to generation. I have seen on my visits to the hospital that it is the people—the nurses, doctors, orderlies, administrators, security guards, and medical students—who make MGH the Nation's best.

I know firsthand of MGH's exceptional work particularly well from two people whose insights mean the world to me: my wife Teresa, who has been a patient at MGH as she was treated for breast cancer, and through my daughter Vanessa, who has made MGH her home as a doctor. Both have shared story after story not just about first-rate care but about deeply caring doctors and nurses and skilled professionals who always put patients first. That is the heart of MGH, and it is no secret that without team members who are constantly looking for the next breakthrough in medicine and a better way to care for patients, tomorrow's innovations would not be possible.

It is even more of a testament to the power of MGH's work that they have become the Nation's best hospital in a State with near universal health coverage. We now have the best health care coverage rate in the Nation with 98.1 percent of residents having health insurance, including 99.8 percent of all children.

We must continue to raise the bar as we implement the Affordable Care Act and provide this guarantee of coverage nationwide. MGH should serve as a model to all hospitals across the country that you can provide universal coverage while still providing the highest quality care to your patients. I know MGH will remain at the top of this list for years to come because they have proven that covering more patients and providing quality outcomes are not mutually exclusive goals.

There is much celebrating to be done in Boston, but there is still much more work to be done to improve the health of all Americans. I am convinced that MGH and our other great institutions in Massachusetts will continue to meet the challenge by setting the standard for delivering the highest quality health care. I congratulate Dr. Peter Slavin, Dr. David Torchiana, and everyone who works at MGH for their efforts in making this hospital the best in the Nation and, I believe, the best in the world.●

REMEMBERING THE LIVES OF HAN BROTHER AND SISTER

● Ms. MURKOWSKI. Mr. President, it is with a heavy heart that I come before you today to share the news of a profound tragedy and loss of two Alaska Native siblings. Isaac Juneby, a military veteran and former Chief of Eagle, a Han Gwich'in Village in Alaska close to the Canadian border, and his sister Ellen Juneby Rada, who died as a result of domestic violence, were both laid to rest and their lives honored and celebrated with a potlatch in Eagle Village, July 11, 2012.

Ellen Florence Juneby Rada, 58 years old, was the mother of two grown sons. She was found beaten, seriously injured and unconscious in a homeless camp in Fairbanks and was transported to the Alaska Native Medical Center for treatment. Ellen was taken off life support on July 2 and passed away on Sunday, July 8.

Isaac Juneby was born on July 9, 1941, in Eagle Village. He had traveled to Anchorage from Eagle to hold vigil at the bedside of his comatose sister and died in an automobile accident on July 1, 2012. Following Isaac's sudden accidental death another Juneby sibling, Adeline Juneby Potts, flew to Anchorage from Minnesota to join her family and due to emotional stress suffered a heart attack and was hospitalized. Fortunately, Adeline is recovering rapidly.

There are no words to describe the grief this family has suffered due to the heartbreaking events that unfolded over such a short period of time. The loss is felt not just by the Juneby family, but by the entire Alaska Native community. Our State may be small in population, but it is large in community spirit. I think I can safely say the entire State of Alaska is touched by this tragedy.

I would like to say a few words about Isaac Juneby, whose loss will have a lasting impact not only to the village of Eagle, but across the entire Native community. Isaac was one of the few remaining speakers of Han, an endangered northern Athabascan language with only about a handful of remaining speakers left in Alaska and the Yukon, a territory of Canada. He was a man that everyone seemed to know and love. Isaac had an almost tangible joy about him that drew people in and endeared him to many. His nickname ''the Senator'' was well earned. Isaac was always quick with a joke and had an infectious smile that made everyone around him happy. But most of all he loved life and his people.

Isaac was incredibly proud of his family and his heritage. He exemplified a man who could easily navigate both worlds: the traditional and the modern. He had an easygoing and friendly manner that won him many lifelong friends, but he also had a disciplined and serious side. Isaac was an accomplished man who earned a bachelor's degree in rural development from the University of Alaska in 1987. He wrote poetry, published books and recorded language lessons in Han Gwich'in Athabascan to preserve the dialect for future generations. Isaac and Sandi, his best friend and wife of 35 years, were planning to move to Fairbanks so Isaac could complete a master's degree in ethnology. He wanted to learn more about the Han.

Over the years Isaac held a number of important positions for Native organizations, the State, and the Federal Government and remained a resident of Eagle Village even through the very challenging times, like during the disaster of 2008, when a major flood devastated the community. Isaac was also instrumental in completing the essential paperwork that helped Eagle Village become the first IRA village in Alaska, one with a federally recognized tribal government.

People will remember Isaac not only for his good humor but for his great strength and determination. Isaac was proud to celebrate over 25 years of sobriety and was known to say that it was God who freed him from alcohol. The Rev. Scott Fisher, pastor at St. Matthew's Episcopal Church got it right when he said ''Isaac was the last of the good guys. There was a strength and a gentleness running through him. He knew what was right and what was wrong. He was not a cardboard saint.

He was real. He had a rock solid core of wisdom in him.''

Isaac's humor and his positive outlook on life served as an inspiration to so many who had the honor and privilege to know him. With the passing of Isaac Juneby, Alaska has lost a beloved Native elder and chief, a father, a culture bearer, a brother, an honored Army veteran, a husband, an inspirational man, an uncle, and a good friend. On this day I ask that we honor the lives of an extraordinary family and remember them during this time of such profound loss.●

COMMISSIONING OF THE USS ''MISSISSIPPI''

● Mr. WICKER. Mr. President, on Saturday, June 2, 2012, I was present at the commissioning of the USS *Mississippi* in Pascagoula, MS. The USS *Mississippi* is a Virginia class submarine, part of the ''next generation'' of attack subs. The submarine was constructed by General Dynamics Electric Boat in Groton, CT, as well as Newport News Shipbuilding, a division of Huntington Ingalls in Newport News, VA

This is a mighty submarine that bears a mighty proud name. The citizens of the state of Mississippi enthusiastically embrace the fifth Navy vessel in our Republic's history that bears the name USS *Mississippi*. The naming of the submarine as USS *Mississippi* recognizes our State's long-standing tradition of shipbuilding in support of our Nation's defense. It also honors the spirit of the people of Mississippi who have made great strides in recovering from the devastation of Hurricane Katrina.

It is appropriate that this ship was completed a full year ahead of schedule. Mississippians have always been early to step forward in the service of their country. It is a fact that volunteers from our State have always been known to step forward quickly and eagerly to serve their country. So for many the words USS *Mississippi* will stand for patriotism and readiness.

For those who remember Katrina and Deep Water Horizon, the words USS *Mississippi* may mean ''resilience'' or ''quiet resolve.'' Within the ranks of the U.S. Navy, USS *Mississippi* will be associated with the words ''state-of-the-art,'' the best in the world. For them, that is what USS *Mississippi* will mean. And for the Ship's Sponsor Allison Stiller, she will think of the word ''tenacity.'' And no doubt our adversaries, wherever they may be, will hear the words USS *Mississippi* and think ''strength'' and perhaps they will think the word ''freedom.''

Within the borders of this traditional ''Bible Belt'' state, we will think about our Founding Father's reliance on Almighty God. I can assure CPT John McGrath, his Commissioning Crew, and those who will serve on this submarine that you will be prayed for each and every day. These prayers may be a quiet whispered prayer at night or early in the morning or they may be the majestic words of William Whiting, who wrote this hymn:

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep
Its own appointed limits keep;
Oh, hear us when we cry to Thee,
For those in peril on the sea
Most Holy Spirit! Who didst brood
Upon the chaos dark and rude,
And bid its angry tumult cease,
And give, for wild confusion, peace;
Oh, hear us when we cry to Thee,
For those in peril on the sea!

With apologies to the author and perhaps to those who know this hymn well, I have attempted to pen an extra verse:

From Pascagoula's shores we send
The finest sailors known to men,
Proud *Mississippi*'s name they bear;
Lord, bless and keep them free from care,
Protect them when they call to Thee,
Our sons and daughters now at sea.

Congratulations to Captain McGrath and his Commissioning Crew, God bless the United States, and God bless those who will serve on the USS *Mississippi*.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2012.

Although Liberia has made advances to promote democracy, and the Special Court for Sierra Leone recently convicted Charles Taylor for war crimes and crimes against humanity, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.
THE WHITE HOUSE, *July 17, 2012*.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1201. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes (Rept. No. 112–187).

S. 1324. A bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes (Rept. No. 112–188).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 3389. A bill to modify chapter 90 of title 18, United States Code, to provide Federal jurisdiction for theft of trade secrets; to the Committee on the Judiciary.

By Mr. RUBIO (for himself and Mr. NELSON of Florida):

S. 3390. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain Federal land in the State of Florida for the purpose of building a fire station; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, and Mr. BOOZMAN):

S. 3391. A bill to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. ROCKEFELLER, and Mrs. MCCASKILL):

S. 3392. A bill to amend the Securities Exchange Act of 1934, to require the disclosure of the total number of the domestic and foreign employers of issuers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; read the first time.

By Mr. JOHNSON of South Dakota (for himself, Mr. SHELBY, Mr. BROWN of Ohio, Mr. JOHANNS, Mrs. MCCASKILL, Mr. CRAPO, Mr. TESTER, and Mrs. HAGAN):

S. 3394. A bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 3395. A bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 202

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 1372

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1372, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 1863

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1872

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2078

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2173

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2283

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. COONS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3319

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3319, a bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes.

S. 3365

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3365, a bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs.

S. 3369

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 3372

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3372, a bill to amend section 704 of title 18, United States Code.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 47

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S.J. Res. 47, a joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

AMENDMENT NO. 2509

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2509 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2510

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2510 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 3389. A bill to modify chapter 90 of title 18, United States Code, to provide Federal jurisdiction for theft of trade secrets; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Protecting American Trade Secrets and Innovation Act of 2012. This legislation will help American companies protect their valuable trade secrets by giving them the additional option of seeking redress in Federal courts when they are victims of economic espionage or trade secret theft. Stolen trade secrets cost American companies billions of dollars each year and threaten their ability to innovate and compete globally. Our bill ensures that companies have the most effective and efficient ways to combat trade secret theft and recoup their losses, helping them to maintain their global competitive edge.

Today, as much as 80 percent of companies' assets are intangible, the majority of them in the form of trade secrets. This includes everything from financial, business, scientific, technical, economic, or engineering information, to formulas, designs, prototypes, processes, procedures, and codes. Trade secrets are often the lifeblood of a business. If they are stolen and wind up in the hands of competitors, it can wipe out years of research and development and cost millions of dollars in losses. The chief executive of GM recently said that he worries about trade secret theft ''every day.'' This comes as no surprise considering the loss to Ford Motor Company in 2006 when an employee stole 4,000 documents which he took to China and used for the benefit of his new employer Beijing Automotive Company, a competitor to Ford. The damage to Ford was estimated to be between $50 million and $100 million.

In 1996, Congress enacted the Economic Espionage Act, which made economic espionage and trade secret theft a Federal crime. Nearly 15 years later, trade secret theft and economic espionage continue to pose a threat to U.S. companies, yet there is no Federal civil remedy for victims. To complement the criminal enforcement of economic espionage and State trade secret laws, the Protecting American Trade Secrets and Innovation Act would provide another avenue for companies to protect their trade secrets. The bill enables victims of trade secret theft to seek injunctive relief, putting an immediate halt to trade secret misappropriation, and compensation for their losses in Federal court. It will help fill a gap in Federal intellectual property law by providing legal protections for non-patentable, non-copyrightable innovations, on the condition that the owner of the innovation has taken reasonable measures to keep the innovation a secret.

Today, companies that fall victim to economic espionage and trade secret theft often can only bring civil actions in State court, under a patchwork of State laws, to stop the harm or seek compensation for losses. While State courts may be a suitable venue in some cases, major trade secret cases will often require tools available more readily in Federal court, such as nationwide service of process for subpoenas, discovery and witness depositions. In addition, for trade secret holders operating nationwide, a single Federal statute can be more efficient than navigating 50 different State laws. Finally, our bill permits judges to issue seizure orders to prevent defendants from destroying evidence. In sum, our bill demonstrates a Federal commitment to trade secret protection by expanding the legal options for victims of economic espionage and trade secret theft.

This legislation will not inundate Federal courts with minor trade secret cases because it includes limits so that only the most serious cases requiring Federal courts will be permitted. These limitations require the victim of trade secret theft to certify that the dispute requires either a substantial need for nationwide service of process or the misappropriation of trade secrets from the U.S. to another country. Finally, it is important to emphasize that our legislation is not intended to replace State trade secret laws, but to complement them to ensure that victims of economic espionage and trade secret misappropriation can get the most prompt, effective and efficient justice.

We cannot take lightly the threat of trade secrets theft to American businesses, American jobs, and American innovation. This legislation is another simple and straightforward step we can take to help companies defend themselves against trade secret theft. It demonstrates our commitment at the Federal level to protect all forms of a business's intellectual property and their innovative spirit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting American Trade Secrets and Innovation Act of 2012''.

SEC. 2. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended to read as follows:

''§ 1836. Civil proceedings

''(a) PRIVATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A person may bring a civil action under this subsection if the person is aggrieved by—

''(A) a violation of section 1831(a) or 1832(a); or

''(B) a misappropriation of a trade secret that is related to or included in a product that is produced for or placed in interstate or foreign commerce.

''(2) PLEADINGS.—A complaint filed in a civil action brought under this subsection shall—

''(A) describe with specificity the reasonable measures taken to protect the secrecy of the alleged trade secrets in dispute; and

''(B) include a sworn representation by the party asserting the claim that the dispute involves either substantial need for nationwide service of process or misappropriation of trade secrets from the United States to another country.

''(3) CIVIL EX PARTE SEIZURE ORDER.—

''(A) IN GENERAL.—In a civil action brought under this subsection, the court may, upon ex parte application and if the court finds by clear and convincing evidence that issuing the order is necessary to prevent irreparable harm, issue an order providing for—

''(i) the seizure of any property (including computers) used or intended to be used, in any manner or part, to commit or facilitate the commission of the violation alleged in the civil action; and

''(ii) the preservation of evidence in the civil action.

''(B) SCOPE OF ORDERS.—An order issued under subparagraph (A) shall—

''(i) authorize the retention of the seized property for a reasonably limited period, not to exceed 72 hours under the initial order, which may be extended by the court after notice to the affected party and an opportunity to be heard;

''(ii) require that any copies of seized property made by the requesting party be made at the expense of the requesting party;

''(iii) require the requesting party to return the seized property to the party from which the property were seized at the end of the period authorized under clause (i), including any extension; and

''(iv) include an appropriate protective order with respect to discovery and use of any property that has been seized, which shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the seized property is not improperly disclosed or used.

''(C) SEIZURES.—A party injured by a seizure under an order under this paragraph—

''(i) may bring a civil action against the applicant for the order; and

''(ii) shall be entitled to recover appropriate relief, including—

''(I) damages for lost profits, cost of materials, and loss of good will;

''(II) if the seizure was sought in bad faith, punitive damages; and

''(III) unless the court finds extenuating circumstances, to recover a reasonable attorney's fee.

''(4) REMEDIES.—In a civil action brought under this subsection, a court may—

''(A) issue—

''(i) an order for appropriate injunctive relief against any violation described in paragraph (1), including the actual or threatened misappropriation of trade secrets;

''(ii) if determined appropriate by the court, an order requiring affirmative actions to be taken to protect a trade secret; and

''(iii) if the court determines that it would be unreasonable to prohibit use of a trade secret, an order requiring payment of a reasonable royalty for any use of the trade secret;

''(B) award—

''(i) damages for actual loss caused by the misappropriation of a trade secret; and

''(ii) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss;

''(C) if the trade secret described in paragraph (1)(B) is willfully or maliciously misappropriated, award exemplary damages in an amount not more than the amount of the damages awarded under subparagraph (B); and

''(D) if a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or opposed in bad faith, or a trade secret is willfully and maliciously misappropriated, award reasonable attorney's fees to the prevailing party.

''(b) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

''(c) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 3 years after the date on which the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.''.

(b) DEFINITIONS.—Section 1839 of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the term 'misappropriation' means—

''(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

''(B) disclosure or use of a trade secret of another without express or implied consent by a person who—

''(i) used improper means to acquire knowledge of the trade secret;

''(ii) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was—

''(I) derived from or through a person who had used improper means to acquire the trade secret;

''(II) acquired under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; or

''(III) derived from or through a person who owed a duty to the person seeking relief to maintain the secrecy of the trade secret or limit the use of the trade secret; or

''(iii) before a material change of the position of the person, knew or had reason to know that—

''(I) the trade secret was a trade secret; and

''(II) knowledge of the trade secret had been acquired by accident or mistake; and

''(6) the term 'improper means'—

''(A) includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means; and

''(B) does not include reverse engineering or independent derivation.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

''1836. Civil proceedings.''.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

By Mr. REID:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax Cut Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' both places it appears and inserting ''December 31, 2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25- AND 28- PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)), and

''(B) by substituting '28%' for '31%' each place it appears.''.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) 33-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $250,000 in the case of subsection (a),

''(ii) $225,000 in the case of subsection (b),

''(iii) $200,000 in the case of subsections (c), and

''(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting '2008' for '1992'.''.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

''(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(3) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2012'' and inserting ''2012, or 2013''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2012'' each place it appears and inserting ''2012, and 2013''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''AND 2012'' in the heading and inserting ''2012, AND 2013'', and

(2) by striking ''or 2012'' and inserting ''2012, or 2013''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''AND 2012'' in the heading and inserting ''2012, AND 2013'', and

(2) by striking ''or 2012'' and inserting ''2012, or 2013''.

(d) TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Subsection (b) of section 6409 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $250,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $800,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(c) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—ESTATE TAX RELIEF

SEC. 201. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) EXCLUSION AMOUNT.—Paragraph (3) of section 2010(c) is amended to read as follows:

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this section, the basic exclusion amount is $3,500,000.''.

(2) MAXIMUM ESTATE TAX RATE.—The table in subsection (c) of section 2001 is amended by striking ''Over $500,000'' and all that follows and inserting the following:

Over $500,000 but not over $750,000.	$155,800, plus 37 percent of the excess of such amount over $500,000.
Over $750,000 but not over $1,000,000.	$248,300, plus 39 percent of the excess of such amount over $750,000.
Over $1,000,000 but not over $1,250,000.	$345,800, plus 41 percent of the excess of such amount over $1,000,000.
Over $1,250,000 but not over $1,500,000.	$448,300, plus 43 percent of the excess of such amount over $1,250,000.
Over $1,500,000	$555,800, plus 45 percent of the excess of such amount over $1,500,000.''.

(b) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES AND EXCLUSION AMOUNTS.—

(1) CHANGING TAX RATES.—Notwithstanding section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 302(d) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

(2) DECREASING EXCLUSIONS.—

(A) ESTATE TAX ADJUSTMENT.—Section 2001 is amended by adding at the end the following new subsection:

''(h) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

''(1) IN GENERAL.—If, with respect to any gift to which subsection (b)(2) applies, the applicable exclusion amount in effect at the time of the decedent's death is less than such amount in effect at the time such gift is made by the decedent, the amount of tax computed under subsection (b) shall be reduced by the amount of tax which would have been payable under chapter 12 at the time of the gift if the applicable exclusion amount in effect at such time had been the applicable exclusion amount in effect at the time of the decedent's death and the modifications described in subsection (g) had been applicable at the time of such gifts.

''(2) LIMITATION.—The aggregate amount of gifts made in any calendar year to which the reduction under paragraph (1) applies shall not exceed the excess of—

''(A) the applicable exclusion amount in effect for such calendar year, over

''(B) the applicable exclusion amount in effect at the time of the decedent's death.

''(3) APPLICABLE EXCLUSION AMOUNT.—The term 'applicable exclusion amount' means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).''.

(B) GIFT TAX ADJUSTMENT.—Section 2502 is amended by adding at the end the following new subsection:

''(d) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

''(1) IN GENERAL.—If the taxpayer made a taxable gift in an applicable preceding calendar period, the amount of tax computed under subsection (a) shall be reduced by the amount of tax which would have been payable under chapter 12 for such applicable preceding calendar period if the applicable exclusion amount in effect for such preceding calendar period had been the applicable exclusion amount in effect for the calendar year for which the tax is being computed and the modifications described in subsection (g) had been applicable for such preceding calendar period.

''(2) LIMITATION.—The aggregate amount of gifts made in any applicable preceding calendar period to which the reduction under paragraph (1) applies shall not exceed the excess of—

''(A) the applicable exclusion amount for such preceding calendar period, over

''(B) the applicable exclusion amount for the calendar year for which the tax is being computed.

''(3) APPLICABLE PRECEDING CALENDAR YEAR PERIOD.—The term 'applicable preceding calendar year period' means any preceding calendar year period in which the applicable exclusion amount exceeded the applicable exclusion amount for the calendar year for which the tax is being computed.

''(4) APPLICABLE EXCLUSION AMOUNT.—The term 'applicable exclusion amount' means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and generation-skipping transfers and gifts made, after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act shall apply to the amendments made by subsection (a).

TITLE III—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 301. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012'', and

(2) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 302. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2011'' and inserting ''2011, or 2012'', and

(2) by striking ''2011'' in the heading thereof and inserting ''2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con Res. 21 (110th Congress).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 24, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to assess the opportunities for, current level of investment in, and barriers to the expanded usage of natural gas as a fuel for transportation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Jennifer Nekuda Malik at 202–224–5479, or Kevin Rennert at 202–224–7826, or Meagan Gins at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to hold a hearing entitled, ''Dodd-Frank Wall Street Reform and Consumer Protection Act: 2 Years Later,'' during the session of the Senate on July 17, 2012, at 10 a.m. in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 17, 2012, at 10 a.m., to conduct a committee hearing entitled ''The Semiannual Monetary Policy Report to Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 17, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 17, 2012, at 9:30 a.m., to hold a hearing entitled, ''The Next Ten Years in the Fight Against Human Trafficking: Attacking the Problem with the Right Tools.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 17, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 17, 2012, at 9:30 a.m., to conduct a hearing entitled ''U.S. Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today's session, Alex Link, Rob Famigletti, and Samantha Freeman, fellows on my Judiciary Committee staff, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING EFFORTS TO PROMOTE AND ENHANCE PUBLIC SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 483, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 483) commending efforts to promote and enhance public safety on the need for yellow corrugated stainless steel tubing bonding.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 483

Whereas yellow corrugated stainless steel tubing (referred to in this preamble as ''CSST'') is flexible gas piping used to convey natural gas or propane to household appliances in homes and businesses;

Whereas since 1990, yellow CSST has been installed in more than 6,000,000 homes and businesses in the United States;

Whereas field reports and research suggest that if direct or indirect lightning strikes a structure, the risk for electrical arcing between the metal components in a structure with yellow CSST may be reduced by means of equipotential bonding and grounding;

Whereas proper bonding of CSST is defined in section 7.13.2 of the 2009 edition of the NFPA 54: National Fuel Gas Code, and is referenced in info note 2 in section 250.104 of the 2011 edition of the NFPA 70: National Electric Code;

Whereas the National Association of State Fire Marshals supports the proper bonding of yellow CSST to current National Fire Protection Association Code to reduce the possibility of gas leaks and fires from lightning strikes;

Whereas the National Association of State Fire Marshals is working to educate relevant stakeholders, including fire, building, and housing officials, consumers, homeowners, and construction professionals about the need to properly bond yellow CSST in legacy installations and in all new installations in accordance with the most recent building codes and manufacturer installation instructions;

Whereas the bonding of yellow CSST in legacy installations is an important public safety matter that merits alerting homeowners, relevant State and local fire, building, and housing officials, and construction professionals such as electricians, contractors, plumbers, inspectors, and home-improvement specialists: Now, therefore, be it

Resolved, That the Senate—

(1) commends efforts to promote and enhance public safety and consumer awareness on proper bonding of yellow corrugated stainless steel tubing (referred to in this resolution as ''CSST'') as defined in the National Fire Protection Association Code; and

(2) encourages further educational efforts for the public, relevant building and housing officials, consumers, homeowners, and construction professionals on the need to properly bond yellow CSST retroactively and moving forward in houses that contain the product.

MEASURE READ THE FIRST TIME—S. 3393

Mr. DURBIN. Mr. President, I understand S. 3393 introduced earlier today by Senator REID is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3393) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JULY 18, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, July 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Today, the majority leader filed cloture on the motion to proceed to S. 3364, the Bring Jobs Home Act. If no agreement is reached, the cloture vote will be on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, July 18, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BIDTAH N. BECKER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2018, VICE PERRY R. EATON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

SEAN J. HISLOP
KINK A. KEEGAN III
LUCAS P. NEFF

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHAD S. ABBEY
BECKY A. ABELL
MARGARET J. ABUZEID
DOUGLAS R. ADAMS
MARY T. A. ADAMS

NICHELL ADEGBITEMARAVENTANO
CHINENYE J. ADIMORA
DAVID K. ADKINSON
UZONDU F. AGOCHUKWU
LATANYA AGURS
CRAIG R. AINSWORTH
NICHOLAS N. ALLAN
MICHAEL J. ALLEN
SAMUEL F. ALMQUIST
JAMIE N. ANDREWS
LORI L. ANGERSONBEDNASH
AMANDA L. ANTLE
TODD M. ANTON
JENNIFER R. ASARIAS
AARON G. AVALLONE
BRADLEY C. BANDERA
CHRISTOPHER S. BARANYK
HEATHER M. BEAUPARLANT
MICHAEL J. BELTRAN
JOHN S. BERRY IV
JOHNATHON A. BERRY
SANJAY S. BHATIA
SAMUEL N. BLACKER
LUKE R. BLOOMQUIST
TIMOTHY E. BORDEN
DONNELL K. BOWEN
MICHAEL M. BRAUN
EVAN G. BROWN
SHAUN R. BROWN
CHELSEA D. BRUNDAGE
CHRISTINA BRZEZNIAK
KRISTINA R. BURKE
ROBERT J. BUSH
NICOLAS R. CAHANDING
CHARLES J. CALAIS
TATJANA P. CALVANO
MACARIO CAMACHO, JR.
JOHN D. A. CAMPAGNA
PATRICK M. CAREY
TIMOTHY W. CAREY
DEREK M. CARLSON
JOHN P. CASAS
BRIAN V. CASHIN
LAURA M. CASHIN
MARLIN CAUSEY
ASHLEY H. CHATIGNY
MICHAEL K. CHEEZUM
WEICHIN CHEN
YINTING CHEN
FONGKUEI F. CHENG
GEOFFREY C. CHIN
STEVEN CHOI
KEVIN S. CLIVE
CHRISTOPHER J. COCHRANE
KATHERINE E. COCKER
MONICA L. COLOMBO
ANTHONY W. COOPER II
JONATHAN A. CRAUN
DAVID A. CRAWFORD
HECTOR O. CRESPOSOTO
RYAN N. CRETE
KEVIN P. CROTTY
REGINO P. CUBE
CLAIREIDA A. CUNDIFF
JASON I. DAILEY
VERONICA C. DAMASCO
TAM Q. DANG
RAJESH K. DANIELS
MICHAEL S. DEGON
LINDSAY J. DELLAVALLE
JASON M. DESADIER
PETER J. DILLON, JR.
JOHN T. DISTELHORST
TAMMY L. DONOWAY
ROY D. EDWARDS
TAIWONA L. ELLIOTT
MICHAEL K. ELM
KATISHA D. ENG
SARAH M. ESTRADA
PETER D. EVERSON
DAVID M. FERRARO
LAYNE M. FIELDER
LERA L. FINA
RYAN P. FLANAGAN
JASON A. FOERTER
TOMAS FORAL
CHRISTOPHER J. FORSTER
JUSTIN T. FOWLER
BRANDON A. FRANCIS
BENJAMIN FREEMAN
ANTHONY D. FREILER
NATHAN K. FRIEDLINE
BRANDON D. FRYE
BONNIE J. GENEMAN
PATRICK J. GOLDEN
LYNN E. GOWER
BRENDAN C. GRAHAM
LINDSEY J. GRAHAM
ERIC S. GRENIER
ALLEN D. HAIGHT
JAMES J. HAM
TRAVIS J. HAMILTON
MARK O. HARDIN
JOSHUA J. HARDMAN
DAUSEN J. HARKER
HILLARY M. HARPER
LISA M. HARRIS
ALAN K. HECKLER
RYAN J. HEITMANN
JAMES A. HENRY
JENNIFER H. HEPPS
JOSEPHINE P. HORITA
JORDANNA M. HOSTLER
JOHN H. HOTCHKISS IV
CHRISTOPHER M. HOUSE
ROBERT C. HOWARD
MICHAEL J. HUDSON
JEANNIE HUH
CHAD D. HULSOPPLE
JOHN D. HUNSAKER
RYAN C. INOCENCIO
LUIS C. ISAZA
JOHN W. JACO
ANETA JEDRZEJCZYK
SHELDON L. JENSEN
BENJAMIN L. JONES
CANDICE E. JONESCOX
ANTON Y. JORGENSEN
JOSEPH S. JUNG
YI S. KAM
DAVID KASSOP
CHARLOTTE M. KASTL
CHARLES C. KEY
ERIN A. KEYSER
KELLY G. KILCOYNE
MOON J. KIM
REN M. KINOSHITA
DEANNA M. KLESNEY
AMY M. KLUI
MATTHEW W. KLUK
KENDRAL R. KNIGHT
RYAN M. KNIGHT
JEFFREY B. KNOX
NICHOLAS D. KORTAN
DONALD J. KOSATKA
WILLIAM J. KROSKI
JOSEPH S. K. KUSHI
RYAN M. KWOK
SALVATORE V. LABRUZZO
RUSSELL W. LAKE
PRASAD LAKSHMINARASIMHIAH
BRYAN D. LALIBERTE
MATTHEW T. LAQUER
TIMOTHY N. LAUGHY
KARL A. LAUTENSCHLAGER
MELANIE N. LEADLEY
GEORGE L. LEE III
YOUNG E. LEE
SCOTT L. LEIFSON
JEFFREY D. LEININGER
GRACE M. LIDL
DUSTIN J. LITTLE
TIMOTHY W. LIVENGOOD
KIMBERLY M. LOCHNER
AMY M. LOYD
CHARLES D. MAGEE
GIL G. MAGPANTAY
RENEE L. MAKOWSKI
JOHN MANDEVILLE
PEDRO A. MANIBUSAN
KELLY M. MANN
CHARLOTTE S. MARCUS
DEANDRA A. MARTIN
JUAN M. MARTINEZROSS
SHAUN A. MARTINHO
JAMES A. MAXEY
CHAD B. MCBRIDE
KIRK D. MCBRIDE
ANGELLETTA N. MCCRANEY
BRENDAN J. MCCRISKIN
DEANNA C. MCCULLOUGH
DEVIN P. MCFADDEN
OWEN MCGRANE
BRIAN J. MCGRATH
COLLEEN M. MCMANAMAN
LUKE E. MEASE
MARIDELLE B. MILLENDEZ
SETH L. MILLER
TIMOTHY J. MILLER
JAMIE R. MINGS
ELLIOTT I. MITNIK
PETER M. MOFFETT
ILA C. M. MOFFITT
DANIEL B. MORILLA
ANDREW D. MOSIER
AMY L. MURPHY
JOSEPH MY
KATHRYN E. MYHRE
ANNA L. NAIG
SIDDHARTA P. NANDI
DOMENICK P. NARDI
JUSTIN D. NEEDHAM
THOMAS G. NESSLER III
CHARLES T. NGUYEN
PHUOC T. NGUYEN
CLAUDIA E. NICHOLAS
MATTHEW C. NICHOLS
MATTHEW C. NUCKOLS
MOROHUNRANTI O. OGUNTOYE
MICHELLE A. OJEMUYIWA
CAMERON L. OLDEROG
DEBORAH L. ONDRASIK
NICHOLAS R. ONDRASIK
SCOTT C. OSBORN
ALYSSA M. PARK
ANISH A. PATEL
TERESA D. PEARCE
NEIL G. PERERA
AIXA PEREZRODRIGUEZ
DAVID J. PETERSON
KRISTINE J. PFEIFFER
VALERIE L. PIRES
JASON L. PIZZOLA
WILLIAM H. PORR
ERIC W. PORRITT
MAX D. PUSZ
BRADDEN R. PYRON
SARAH J. RABIE
MEGHAN F. RALEIGH
MARCUS J. RAMPTON
ANTHONY J. RECUPERO
JEFFREY L. REHA
MATTHEW D. RENSBERRY
JEREMY N. RICH
JAY J. RICHARDS
GRETCHEN D. RICKARDS
BRITTANY L. RITCHIE
JOHN D. RITCHIE
REIS B. RITZ
IAN M. RIVERA
JESSICA C. RIVERA
MICAH J. ROBERTS
SAMANTHA B. RODGERS
SHARON ROMANO
THOMAS R. RONAY
CHRISTOPHER L. ROZELLE
CHRISTINA B. RUMAYOR
FARHAD SAFI
NATHAN L. SALINAS
CATHERINE M. SAMPERT
JOHN P. SANDERS
STEVEN A. SATTERLY
TERESA SAULTES
DANIELLE L. SCHER
CHRISTIAN C. SCHRADER
SHANNON C. SCHUERGER
JOSEPH SCLAFANI
MELISSA B. SCORZA
THOMAS J. SEITER, JR.
HARSHA SETTY
PIERRE N. SHEPHERD
JESSE R. SHERRATT
JOON K. SHIM
COLLEEN P. SHOLAR
MERICA SHRESTHA
BRIDGET A. SINNOTT
GREGORY R. SKERRETT
JENNIFER N. SLIM
DAWN M. SLOAN
STIRLING B. SMITH
DANIEL J. SONG
BETHANY E. SONOBE
JASON A. SORELL
ALYSSA A. SOUMOFF
ANNE P. SPILLANE
ERIN L. SPILLANE
SARAH R. SPRAITZAR
SHANKAR K. SRIDHARA
DAVID STANLEY
JASON R. STONE
KAREN S. STRENGE
JONATHAN M. STROBEL
DAVID F. SULKOWSKI
KATHRYN L. SULKOWSKI
JOHN SYMONS
BENJAMIN D. TABAK
TIMOTHY J. TAUSCH
BETHANY N. TEER
SHAYNA D. THOMPSON
ROSS N. THORMAHLEN
LAUREL A. THURSTON
KYLE J. TOBLER
ERIC B. TOMICH
KRISTEN L. TOREN
DANIEL D. TRAN
ALI A. TURABI
PATRICK S. TWOMEY
ALFREDO E. URDANETA
JOHN VENEZIA
JACOB L. WAGNER
RYAN M. WALK
BIN WANG
JOHNETTA D. WASHINGTON
BRIAN R. WATERMAN
TIMOTHY R. WATERS
RICHARD C. WEBB
MARISSA L. WEBER
DANIEL WEINSTEIN
CHRISTOPHER R. WELTON
SHAWN R. WEST
BENJAMIN J. WESTBROOK
JEFFERY A. WHITE
JOSEPH M. WHITE
SABRINA V. WHITEHURST
JUSTIN L. WILKIE
ALICIA M. WILLIAMS
ROGER S. WILLIAMS
DOUGLAS G. WILSON
ERIC D. WIRTZ
MARIUSZ WOJNARSKI
CHRISTINE L. WOLFE
ELIZABETH A. WOODS
ALAN I. C. WU
WILLIAM C. WU
MICHAEL A. ZACCHILLI
HANNA D. ZEMBRZUSKA
CONG Z. ZHAO
JARED K. ZOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C. , SECTIONS 624 AND 3064:

To be major

JEFFREY E. AYCOCK
JEREMY P. BATEMAN
NATHAN N. BATRICE
JAXIMILLIAN P. BAYLOSIS
BRENDAN E. BELL
KAILEHIA N. BINNS
AARON J. BROOKS
KENNETH B. CAREY
MATTHEW E. CARLSON
MATTHEW T. CARPENTER
BRIAN B. CHOI
JEFFREY M. CLARK
AARON J. COLBY
BRANDON G. COLEMAN
BRANDEN L. DAILEY
PATRICK C. DANIEL, JR.

JASMIN G. DEGUZMAN
CHAD T. EARDLEY
JENNIFER L. ELZINGA
AARON C. ERCOLE
JAMES M. GIESEN
KRISTY L. HAYES
ELIZABETH A. HEYN
HAE J. HONG
JAIME A. HUGHES
CASSANDRE JOSEPH
CHRISTOPHER M. KEPROS
MIN C. KIM
SEWHAN KIM
JOHN D. KING
CHRISTOPHER P. KITTLE
JACQUELINE S. LAPIN
TIN M. LE
TUNG V. LE
JUSTIN P. LEWIS
SHELDON X. LU
ADAM J. LYTLE
CABEL A. MCDONALD
MICHAEL J. MCNAUGHT
MATTHEW A. MEYER
CLAUDIA P. MILLAN
EDWARD L. MONTOYA
RICK C. MOSER
HEATHER R. A. OLMO
DANIEL R. PERRINGTON
ERIC J. SETTER
LYNN SHERMAN
YOUNG K. SON
RICHARD W. STANDAGE
BLAKE C. STUART
MICHAEL R. VILLACARLOS
JAYLON L. WAITE
DIANA W. WEBER
NATHAN G. WOODS
ROBERT B. YANKOVICH
LARA M. YEGHIASARIAN
JASON C. YI
ERIC W. YOUNG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRENT A. BECKLEY
SCOTT P. BROWN
LOWELL E. KRUSE
JOHNATHAN H. LEHMAN
JAMES P. MCHUGH
MICHAEL G. POOLER
ROBERT M. TYSZKO
STEPHEN J. WARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN J. EASTRIDGE